

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**  
**FEBRUARY 21, 2005**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, February 21, 2005 in the Ingram Office Building, Urbandale, Iowa.

### MEMBERS PRESENT

Kathryn Murphy  
Darrell Hanson, Chair  
Terrance Townsend  
Jerry Peckumn, Vice Chair  
Heidi Vittetoe, Secretary  
Donna Buell  
Lori Glanzman  
Francis Thicke

### MEMBERS ABSENT

Lisa Davis Cook

### ADOPTION OF AGENDA

Add: 1:30 appointment with Grain Processing Corp. (Referral to the Attorney General)  
Add: Draft 2004 Iowa List of Section 303(d) Impaired Waters – Item 13

*Motion was made Lori Glanzman to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Terry Townsend to approve the January 18, 2005 minutes as presented. Seconded by Francis Thicke. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Jeff Vonk welcomed the environmental law students from Iowa State University.

Jeff read the Governor's statement on water quality for environmental protection commission:

“Our commitment to improving water quality in this state must continue to be a priority. Our lakes and rivers are the key to expanding our state’s recreational offerings and make a significant contribution to our economy.

We’ve made improvements to our water quality, removing 35 water bodies from the list of impaired waters. But our advanced monitoring of this precious resource has uncovered many more bodies of water in need of improvement. Iowa’s water belongs to all of us and everyone has a responsibility to protect this valuable resource. That is why I have directed the Department of Natural Resources to diligently seek out pollution sources and correct those problems when they are found. We can not deny that we have a long way to go.

That’s why I have proposed allocating \$50 million over the next five years for Water Quality Improvement Grants. Using proven watershed practices, these grants will encourage local communities to take a leadership role in protecting and restoring our water quality. We have a responsibility to continue our progress toward making Iowa the very best place to live, work and raise a family.”

<b>INFORMATIONAL ONLY</b>
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**CONTRACT – ST. MARY’S UNIVERSITY, GEOSPATIAL SERVICES, WINONA MN -  
UPDATE OF THE NATIONAL WETLANDS INVENTORY FOR IOWA (PRODUCTION  
PHASE II)**

Chris Ensminger, GIS Supervisor of the Geological Survey and Land Quality Bureau presented the following item.

The Commission is requested to approve the Department modifying an existing contract for services with St. Mary’s University GeoSpatial Services to update the National Wetlands Inventory (NWI). The update will include a minimum of 69 and a maximum of 138 USGS 7.5’ Quadrangles (approximately 3,243 up to 6,486 square miles) located in Iowa. The Department has budgeted \$100,000 and has applied for an additional \$100,000 from the US Fish and Wildlife Service. Due to the uncertainty involved in this grant process, the Department requests that the contract be amended with a minimum and maximum expenditure. The contract amount is to be set at \$100,000 and not to exceed \$200,000 for the period Feb 2005 through Jan 2006. The contract is for the second production phase of a multi-year project to produce a statewide update of NWI for Iowa. This total state expenditure is being leveraged by the US Fish & Wildlife Service through a separate contract with St. Mary’s University to update an additional 100 USGS Quadrangles needed to complete the second production phase of the project. The initial contract covered the pilot phase of the project and produced NWI updates for 50 USGS 7.5’ Quadrangles.

The \$100,000 to be provided by DNR was included in the Water Initiative Budget for SFY05. Expenditure of these budgeted funds has been dependant on successful completion of the pilot and first production phases of the project. The pilot project has included several iterations of mapping conventions and methodologies needed to produce the products required by the many programs in Iowa DNR and other state agencies that utilize this information. The pilot project and first production phase has been successfully completed and DNR is now seeking approval to expand the contract to expend the \$100,000 (and potential \$100,000 US FWS grant dollars) budgeted for the current fiscal year.

The NWI represents detailed mapping of all surface waters and represents an important data layer supporting efforts relating to water quality, fish and wildlife habitat, and flood water retention. Specifically, an accurate and updated wetland inventory is needed to support the water monitoring program as it expands to include monitoring of wetlands.

### **Background**

The NWI for Iowa was based on 1:58,000 color infra-red (CIR) photography acquired circa 1985. The Iowa Color Infra-red Digital Orthophotography Project is near completion and will provide statewide color infra-red photography at 1:40,000 acquired in Spring 2002. The 2002 CIR photography is available in a digital, ortho-rectified format so that NWI updates can be performed using on-screen computerized mapping techniques. The NWI update will allow us to quantify wetland change over a 17 year period. We will also be able to assess changes to river courses and map all new impoundments constructed over that same time period.

The majority of wetland restoration and construction work in Iowa did not begin until the early 1990s. Wetland restoration projects have been conducted through a variety of private lands programs, water quality improvement projects (EPA 319 funding), conservation easements (most notably WRP), mitigation projects, and via land acquisition programs targeted at purchasing lands for wetland restoration. This project represents the first opportunity to map and synthesize all of these activities into a comprehensive data layer (i.e., inventory of surface waters).

The cumulative impact of all of these programs is difficult to entirely understand without mapping them explicitly. Updated photography combined with past inventory allows us to assess wetland loss as well. The impacts will vary based on the spatial scale of analysis. IDNR has recently completed a watershed map for the state of Iowa delineating 12-digit hydrologic units, which divide Iowa into 1,600 watersheds. These watershed boundaries provide us a new, and likely more meaningful, set of geographic units for analysis of impacts of wetland change on sediment reaching Iowa's lakes and streams, on lessening the duration and extent of flooding, and on regional wildlife populations. As we continue to define new boundaries and spatial scales for analysis, whether they are based on political or ecological criteria, we realize the need for explicit maps of wetlands and all surface waters to allow scientists and land managers to make the best use of the information.

At this time, the Department requests Commission approval to modify the existing contract with St. Mary's University GeoSpatial Services to complete phase II of the project to update the NWI for the state of Iowa.

*Motion was made by Jerry Peckumn to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **NOTICE OF INTENDED ACTION – AMEND IAC 567-CHAPTER 101; “SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS”**

Chad Stobbe, Program Planner II of the Energy & Waste Management Bureau presented the following item.

The Commission is requested to amend IAC 567-Chapter 101 “Solid Waste Comprehensive Planning Requirements”. In 2001, the Commission approved the current version of IAC 567-Chapter 101. Since 2001, a comprehensive planning cycle has been completed for each planning area in the state using the current chapter. When the previous comprehensive planning rules revision process concluded in 2001, it was determined that the rules would be evaluated once all planning areas had gone through the new process.

Director Vonk and others from the department met with stakeholders on November 25, 2002 regarding concerns with solid waste comprehensive planning. Following this meeting, Director Vonk initiated the formation of an advisory committee consisting of Iowa Society of Solid Waste Operations (ISOSWO) and Iowa Recycling Association (IRA) members, private consultants, landfill operators and other interested parties. Bureau staff developed a timeline of advisory meeting dates and topics, which were posted on the Department's web site and disseminated through ISOSWO. In all, twelve meetings were held between February 4, 2004 and December 15, 2004. Detailed minutes were taken of each meeting and posted on the Department's web site. Bureau staff also attended nine ISOSWO board meetings to provide updates and request additional input regarding the rule revision process. Furthermore, a memorandum was sent in February, 2004 to each of the state's forty-seven planning area contacts stating that the rule revision process had begun and included the contact information for Bureau staff for questions or comments. A letter was also sent in August, 2004 to planning area contacts to provide an update to the rule revision process.

Upon completion of the December, 2004 advisory committee meeting, Bureau staff determined that the draft rules were ready for formal rulemaking.

A public hearing is tentatively scheduled for April 6, 2005 from 9:45 to 12:15 via the ICN. A site will be set up at near each field office area.

Grimes Building, Des Moines  
Atlantic Public Library, Atlantic



Maquoketa Valley High School, Delhi  
North Iowa Area Community College, Mason City  
Iowa Lakes Community College, Spencer  
National Guard Armory, Washington

The bulleted sections below highlight some of the substantive changes the Department proposes to IAC 567–Chapter 101. The majority of the revisions proposed clarify existing rule and incorporate input and recommendations received throughout the last comprehensive planning cycle and the rule revision process.

Due to the revisions proposed, it became necessary to reorganize and renumber the chapter. This reorganization and renumbering does not affect the substance of the rules, but does make them easier to follow.

(Numbering represents the proposed reorganization of IAC 567–Chapter 101)

**567—101.1(455B,455D) Purpose, applicability and authority.**

- 101.1(2) *Applicability*. Upon review of applicable Iowa Code sections, a reference to Iowa Code chapter 455B.301A was added. Also, language that did not apply to comprehensive planning was deleted.
- Removed IAC 567-Chapter 101.1(3) *Authority*. It is not necessary to state the authority to adopt because this is already stated in the heading of the rule.

**567—101.2(455B,455D) Variances. (Removed)**

- Old IAC 567-Chapter 101.2, Variances, has been removed because this is covered in IAC 561-Chapter 10.

**567—101.2(455B,455D) Definitions.**

- The definition of “Consumer Price Index” was developed and added for clarity.
- The definition of “Contaminated soil” was developed and added to clarify the eligibility requirements for the exemption of contaminated soils as outlined in IAC 567-Chapter 101.7(3)“c”.
- The definition of “Fiscal year” was developed and added for clarity.
- “Comprehensive plan submittal – initial” was changed to “Initial comprehensive plan” in the rule revision to be consistent with the terminology used and widely recognized by Bureau staff and stakeholders.

- In the current rule, there was no distinction between the designated contact agency and the entities (local governments and sanitary disposal projects) that make up the geographic boundaries of a planning area. The definition of “Planning agency” was added to mean the designated contact agency on file with the Department, and the definition of “Planning area” was changed to mean the combined jurisdiction of the local governments and their designated sanitary disposal project(s) involved in a comprehensive plan.
- The definition of “Planning cycle” was changed to clarify that the planning cycle will be the same frequency as sanitary disposal project permitting.

**567—101.4(455B,455D) Duties of cities and counties.**

- Language was added to clarify standard operating procedures related to the tracking of Iowa-generated waste between individual planning areas.

**567—101.6(455B,455D) State volume reduction and recycling goals.**

- Language was added to clarify standard operating procedures related to state volume reduction and recycling goals.

**567—101.7(455B,455D) Base year adjustment method.**

- IAC 567-Chapter 101.7(1) and IAC 567-Chapter 101.7(2) Rules outlining the base year adjustment method previously appeared in a document titled “Guidelines for Solid Waste Comprehensive Plans: Integrated Solid Waste Management Systems” (September 1990) as revised March 19, 2001, which was adopted by reference. These provisions were moved from the reference document previously adopted by rule and revised for clarity.
- IAC 567-Chapter 101.7(3) The standard operating procedures regarding the exemption of solid waste tonnage attributed to exceptional events from goal progress and state tonnage fee calculations has been added in rule.

**567—101.8(455B,455D) Submittal of initial comprehensive plans and comprehensive plan updates.**

- These provisions were moved from the reference document, previously adopted by rule, into the chapter and revised for clarity.

**567—101.9(455B,455D) Review of initial comprehensive plans and comprehensive plan updates.**

- These provisions were moved from the reference document, previously adopted by rule, into the chapter and revised for clarity.

**567-101.10(455B,455D) Municipal solid waste and recycling survey.**

- Standard operating procedures outlining the completion and submittal of the municipal solid waste and recycling survey were revised for clarity and added to rule.

**567-101.11(455B,455D) Online database.**

- Provisions outlining the completion and submittal of comprehensive plan data using the online database were moved from the reference document, previously adopted by rule, and revised for clarity. The online database includes fourteen forms that are each adopted by reference in the revised chapter.

**567—101.12(455B,455D) Types of comprehensive plan submittals to be filed.**

- Provisions outlining when an initial comprehensive plan is needed were moved from the reference document, previously adopted by rule, and revised for clarity.
- IAC 567-Chapter 101.12(2) *Content of an initial comprehensive plan*. This section contains consolidated provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(3) *Comprehensive plan updates*. This section contains consolidated provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(4) *Transfer stations and construction and demolition waste disposal sites*. These provisions were moved from the reference document previously adopted by rule, and revised for clarity.
- IAC 567-Chapter 101.12(5) *Comprehensive plan updates for permitted monowaste facilities*. This section contains provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(6) *Comprehensive plan updates for permitted monogenerator facilities*. This section contains provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(7) *Comprehensive plan updates for permitted incinerators*. This section contains provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(8) *Comprehensive plan amendments*. A provision from the reference document, previously adopted by rule, relating to a city or county joining a planning area was moved to this section. Other minor revisions were made for clarity.

- IAC 567-Chapter 101.12(9) *Failure to meet the 25 percent waste volume reduction and recycling goal.* Standard operating procedures related to the implementation of a base price for solid waste collection was added to this section. Other minor revisions were made for clarity.

**567—101.13(455B,455D) Fees for disposal of solid waste at sanitary landfills.**

- IAC 567-Chapter 101.13(3) *Fee schedule.* Revisions to this section were made in accordance with the provisions of House File 722 signed into law on May 7, 2001. Other revisions were made for clarity.

The Commission is requested to approve this Notice of Intended Action.

## **PUBLIC PARTICIPATION**

**HAL MORTON**, Executive Director of the Des Moines County Regional Solid Waste Commission addressed Item 5 – NOIA – Amend Ch. 101; “Solid Waste Comprehensive Planning Requirements” and Item 10 – Final Rule – Ch 23; Emission Standards for Contaminants (Controlled burning of a demolished building).

Regarding Item 5 Amend Ch. 101; “Solid Waste Comprehensive Planning Requirements” – as Chad Stobbe indicated the effort to revise these rules was long and arduous. The process was much more inclusive than any of the rulemaking efforts that I have witnessed in nine years. Inclusive, in terms of bringing in those affected by the rule and those implementing the rule and considering the broader spectrum of situations that the rule might pertain to down the road. The time was well spent over the last year. The resulting rule is much better crafted than the existing rule. It eliminates much confusion in dealing with terminology. It embraces a great level of diversity that we have across the state in ways that we develop integrated solid waste management systems. This is a major step forward and I would encourage the Commission to move forward with the Notice of Intended Action.

Regarding Item 10 - Final Rule – Ch 23; Emission Standards for Contaminants (Controlled burning of a demolished building). My counterparts around the state have been displeased by the law that is driving this rule. We feel it is not an environmental feather in our cap to be encouraging the management of demolished buildings. I think the department has been very responsive to issues/concerns/suggestions that we have raised to make these laws more consistent with the solid waste law, solid waste rules and storm water rules. I applaud the department’s effort to try and cross tap to the other divisions in environmental law.

**SCOTT SMITH**, representing the Boone County Landfill, Central Iowa Solid Waste Management Association and ISOSWO. I echo all of the comments made by Mr. Hal Morton, especially regarding the inclusiveness by the DNR regarding the amendments to Chapter 101. I believe we have generated a much more streamlined, user-friendly system.

Concerning item 10 – Chapter 23. The whole issue of using Bic lighters to manage our waste is something that is distressing to me professionally and personally. I do appreciate the department having been dealt this hand, doing the best they can with it and trying to undertake the mission of protecting the environment. I think the need of amending the revised rules to provide better notification not just to city residents but to nearby residents, of the burning of the demolished building is very important. I would like to thank Jane Mild and her staff for all the effort they put into the rules revision process.

**NOTICE OF INTENDED ACTION – AMEND IAC 567-CHAPTER 101; “SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS” -- CONTINUED**

*Motion was made by Jerry Peckumn to approve Item 5 – NOIA - Amend Chapter 101. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**ELK RUN CREEK INVESTIGATION PRESENTATION**

Dan Stipe, Supervisor of the Atlantic Field Office said that the Elk Run Creek investigation was rather unique and we appreciate the opportunity to explain. The investigation was a collaborative effort between environmental specialists, fisheries biologists and several of my staff. Alison Manz was the lead environmental specialist throughout the investigation.

Alison Manz from the DNR field office in Atlantic presented the Elk Run Creek Investigation.

**Fish Kills in Elk Run Creek**

- 8-8-98 fish kill, unable to identify source
- 11-26-99 fish kill, unable to identify source
- 7-30-04 Des Moines Waterworks reports unusual water sample results to the DNR, no fish kill, unable to identify source.
- 11-1-04 fish kill, source identified
- 11-9-04 fish kill, source identified

Lannie Miller, DNR Fisheries Biologist discovered that:

- 99% of aquatic life was killed.
- It's typical for waterways to be turbid or murky after precipitation, but it normally goes down after a couple of days. Elk Run Creek was turbid for up to 2 weeks after the last precipitation. There was no rainfall during that 2 week period.

**Total County of Fish Killed in Elk Run Creek**

- DNR fisheries staff were unable to use normal sampling procedure.
  - Unable to conduct count during 1<sup>st</sup> incident due to high turbidity

- Counted 1,314 fish (mostly minnows) in one stream mile during the 2<sup>nd</sup> incident.  
(This count only includes fish on the creek banks not those in the stream.)

“This was way, way below the number of fish killed.” - Lannie Miller

Expected fish number per stream mile in the Des Moines Lobe

- ~18,800 to 47,000 fish per stream mile

Elk Run Creek

- Dead fish
  - Several areas
- Very turbid water
  - 4.5 miles
- Evidence of solids

Decision to take comprehensive look at watershed

- 2 month investigation
- 6 Environmental and 2 fisheries staff
- 310 hours
- 20 square miles investigated
- 8 miles of stream
- potential open lots
- septic system
- manure stockpile

F04 Investigates Elk Run Creek

- Water samples
- Trenching (to detect tile lines—discovered manure flowing through a tile line)
- Dye-Testing (Green dye was flowing out of a Carroll County Drain tile outlet into Elk Run Creek -- Green dye was observed in Elk Run Creek 2 miles from where it was placed in a tile riser)
- Smoke Testing (to reveal unknown tile line)
- County Drain Tile Maps (Manure was discovered flowing through the County Drain tile entering Elk Run Creek)

Trenching

- 800 Head Feedlot
  - Several tiles observed
  - Connect to County tile
- 500 Head Feedlot
  - 3 concrete tiles
  - No evidence of manure in the tile
  - Inconclusive

Other environmental issues

- Stockpiled manure near Elk Run
- Septic outfall into Elk Run

#### Cooperative Watershed Project

- Des Moines Waterworks and Agriculture's Clean Water Alliance work together to investigate water quality in Raccoon River Watershed. Throughout the summer, weekly samples are collected from about 56 sites.

Small watersheds can impact waterways for 100s or 1,000s of people downstream.

#### Environmental Accomplishments

- Illegal septic systems eliminated
- Stockpiled manure addressed
- Poorly designed manure structures addressed
- Elimination of known tile lines discharging manure into Elk Run Creek

#### Public Relations Accomplishments

- Increased citizen awareness of water quality issues in Elk Run Watershed.
- Many positive changes to watershed
- Citizens no longer accept poor water quality in Elk Run
- Working cooperatively with Des Moines Waterworks for continued improvement.

(A handout of the presentation outline is available in the Department's Record Center.)

Heidi Vittetoe asked if there are any fines/penalties involved for those that discharged manure into the creek.

Wayne Geiselman said the lots that had actual discharges into the stream. Where we are able to definitely say it's from a certain lot, yes there will be fines associated with water contamination. The fines and penalties are in the process, they have been given to Legal Services for further action.

Dan Stipe said that the focus of this presentation is on the fish kill. We have found lots of other water contamination problems besides open feedlots. We are doing a lot of activities that will benefit the entire state. This was a difficult investigation, we were finding the sources to be many miles away from where it would enter the creek or tile line. We feel we have done a good job at addressing this issue but still have work to do. In order to be pro-active, we prefer to educate and work with people. We are going to hold a meeting in the Carroll area educating producers on manure structures, run-off, etc.

Wayne Gieselman added that in the midst of the investigation, there was a sulfuric acid spill that reached from Blarestown to Council Bluffs and a anhydrous tanker upside-down in a nearby river.

Linda Kinman, Des Moines Water Works submitted the following comments regarding Elk Run Creek:

Elk Run Creek is one of approximately 30 sub-watersheds of the Raccoon River, the primary drinking water source for Des Moines Water Works (DMWW). The service area is both urban and rural and incorporates 6 counties and more than 25 communities. We provide drinking water to approximately 350,000 Iowans. Protecting the safety of Iowan's drinking water and the quality of Iowa's source waters are DMWW's primary water quality concerns.

DMWW is charged with the responsibility of converting impaired source water from the watersheds of the Raccoon and Des Moines Rivers into a product that is safe to drink; in other words it must protect public health. This mission becomes more difficult when source water contamination occurs, like that which occurred in Elk Run Creek. Neither DMWW nor any other drinking water utility in Iowa has total control of the water quality within the watershed; it takes the cooperation and willingness of Iowa citizens and the enforcement ability of the Department of Natural Resources to improve source water quality and provide safe drinking water.

If situations like Elk Run Creek are allowed to occur in multiple watersheds throughout the state, we are basically saying it is all right to put health at risk. Agriculture occupies a unique and highly desirable position within Iowa's economic heritage – it is the cultural fabric of the state. But agricultural entities, whatever their structure, large or small – corporation or non-corporation, cannot be exempt from the consequences of contaminating Iowa's water resources.

When contamination of source water occurs, those responsible, must be held accountable and bear the consequences. Whether the responsible party is an individual, a corporation, a producer, or a community, they must be held accountable and bear the consequences.

DMWW supports the Department of Natural Resources in its willingness to devote the staff and resources necessary to fully investigate and deal with the Elk Run Creek contamination to ensure water quality in the creek will be protected in the future. In-stream water quality is a critical cornerstone for economic development and improved quality of life in Iowa ;and as such, all citizens should support the Department in this situation and others.

Linda Kinman said that the DMWW does monitor in the watersheds weekly April through August. The volunteer monitors are not a part of the IOWATER project. They are basically trained to collect the samples, but all analysis is done at the DMWW laboratory.

## **PUBLIC PARTICIPATION**

**JEANETTE LACEY**, ICCI member from Fairfield Iowa. Jeanette is neighbors to the Robertson's hog facilities in Jefferson County. The 1,200 head unit is located just across the fence from my barn. (about 200 feet away) Right over the hill is another one exactly 1,093 feet away. Gene Tinker, Jim Sievers and Wayne Gieselman came to Fairfield last Thursday for a public meeting. I am passing around a \*petition of over a hundred people's signatures that want help to get the DNR to enforce the laws. Are these two facilities in compliance with the Iowa



law? Is the DNR actually enforcing Iowa's law relating to these sites? The meeting on Thursday did not address this issue. Three issues of concern:

- 1 – Did the 2,400 head site build in a area where they were told by the DNR not to build?
- 2 - Is the site built in a floodplain?
- 3 – Is there common ownership and management between the 1,200 head unit and the 2,400 head site? If so, are they then in compliance or violation in failure to have a permit to meet separation distances from two local residences? The 1,200 head site is built too close to three of our water sources.

Relating to the floodplain issues, in a memo dated on March 10<sup>th</sup> 2004, Kelly Stone clearly told Nick Biggs of Tri-Oak not to build at that site. They have built on this site. It was not until January 21<sup>st</sup>, 2005, that our local folks started to raise concern about this. Kelly Stone now states that he does not believe the site is in a floodplain. This is not okay to me. I am concerned about my hog site being next to his. I can also witness fish kills and foam in Walnut Creek.

Common ownership and common management – There is no actual proof. The only documentation that has been submitted is hand-written. (copies were distributed) We are asking the DNR and EPC to require actual documentation that will prove whether or not the site is under common ownership and/or common management. We are also asking the DNR to require Dale Robertson to submit a copy of his production contract. Lastly, Dale Robertson has built too close to the three water sources. The DNR has acknowledged this and has required him to build a secondary retainment wall. I am asking EPC to direct the DNR to fulfill this request and the letter that was sent on February 18, 2005.

(\*The petition was distributed to Commissioners to review. The final copy was given to Wayne Gieselman.)

**JERRY ADAMS**, citizen from Runnells, Iowa said that he is against the septic sledge application especially down at Runnells. This has been going on between 10-11 years. Numerous people have gone to the DNR and complained. The record says they have a license to do this.

For the price of less than a fishing license, sledge haulers can dump thousands of tons of septic sludge (untreated sewer). I can't believe that this is allowed in Polk County, the most populated county in Iowa. I asked the DNR if they monitored the ground or run-off, they said they didn't because it is not our responsibility. The County is suppose to monitor.

The sledge haulers keep their own records. Over the past 12 years, no one has ever monitored anything. The DNR can walk miles of streambank to find water contaminants and checking for pollution from confinements, but there are supposed to be 200 hundred of these sites in Iowa, has anyone monitored any off them. I will be meeting with the Polk County Board of Supervisors to discuss this matter further.

An article was published in the February 7<sup>th</sup> - Des Moines Register concerning this issue.

(A copy of the article was filed in the Department's Record Center.)

Wayne Gieselman said that the statute very clearly states that this is a Polk County Board of Health issue, that the County sanitarians deal with the sludge. The department has visited the site at least two or three times, that I am aware of. When you only have statutory authority to deal with the certain things, I can't be opposing statutory authority that I don't have. We have been working with Rep. Huser on the statutory language that she is proposing to deal with this issue. The county sanitarians have a lot of responsibility around the state and some counties don't even have a sanitarian or they play many other roles. We can not impose statutory authority unless it pollutes a stream when we were there.

We will come back at the next meeting to discuss the issue of sledge applications and fees.

### **SOLID WASTE ALTERNATIVES PROGRAM – RECOMMENDATIONS**

Thomas Anderson, Senior Environmental Specialist of the Energy and Waste Management Bureau presented the following item.

The Department received 25 proposals, requesting \$2.2 million in financial assistance, for consideration during the January 2005 round of funding. Twelve (12) projects were selected for funding or additional consideration. If approved they will receive \$883,726 in a combination of forgivable loans and zero interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Jennifer Reutzel & Tom Anderson), Iowa Society of Solid Waste Operations (Sara Bixby), Iowa Recycling Association (Machele Henderson), and the Iowa Waste Exchange (Julie Plummer).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	6	\$257,726	\$101,598
Private For Profit	5	\$487,300	\$40,000
Private Not For Profit	1	\$138,700	\$78,000
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	11	\$865,903	\$201,775
Market Development	0	0	0
Education	1	\$17,823	\$17,823
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>

Forgivable loan only	3	\$41,598	\$41,598
Forgivable and 0% loan only	9	\$842,128	\$178,000
Forgivable, 0%, and 3% interest loan	0	0	0
3% interest loan only	0	0	0

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of additional requested information, review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

#### **SOLID WASTE ALTERNATIVES PROGRAM**

#### **PROPOSAL RECOMMENDATIONS – JANUARY 2005**

The Department received twenty-five (25) proposals, requesting \$2.2 million in financial assistance, for consideration during the January 2005 round of funding. Twelve (12) projects were selected for funding. If all are approved they will receive \$883,726 in a combination of forgivable loans and zero interest loans.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those \$25,000 and below, and proposals received but not selected.

#### **PROPOSAL RECOMMENDATIONS: ABOVE \$25,000**

##### **BEST PRACTICES PROJECTS**

<b>Phoenix E-Waste Solutions</b> <b>12 South 8<sup>th</sup> Avenue</b> Marshalltown, IA 50158	<b>Forgivable Loan:</b>	<b>\$20,000</b>
	<b>Zero Interest Loan:</b>	<b>\$7,600</b>
	<b>3% Interest Loan</b>	<b><u>\$0</u></b>
	<b>Total Award Amount:</b>	<b>\$27,600</b>
	<b>Cash Match:</b>	<b>\$9,200</b>
	<b>In-Kind Match:</b>	<b>\$18,400</b>
	<b>Local Match:</b>	<b>\$27,600</b>

	<b>Total Project Cost:</b>	\$55,200
<b>Project Title:</b>	Phoenix E-Waste Solutions Project Expansion	
<b>Contact:</b>	Mike Ladehoff	Phone: 641-753-7200
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	The applicant is proposing to expand the service area of the existing electronic waste recycling facility, purchase additional containers for customers, complete building efficiency improvements, and develop marketing materials. The applicant recycles approximately 10 tons of e-waste annually with the goal of annual increases of 10%. Materials are accepted from households, businesses in a 10-county area of central Iowa.	
<b>Target Area:</b>	Marshall, Hardin, Grundy, Story, Polk, Dallas, Jasper, Poweshiek, Tama and Blackhawk Counties.	

<b>E &amp; N Specialties</b>	<b>Forgivable Loan:</b>	<b>\$0</b>
<b>406 3<sup>rd</sup> Ave</b>	<b>Zero Interest Loan:</b>	<b>\$45,575</b>
<b>Clarence, IA 52216</b>	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$45,575</b>
	<b>Cash Match:</b>	<b>\$26,325</b>
	<b>In-Kind Match:</b>	<b>\$19,500</b>
	<b>Local Match:</b>	<b>\$45,825</b>
	<b>Total Project Cost:</b>	<b>\$91,400</b>
<b>Project Title:</b>	E & N Specialties	
<b>Contact:</b>	Steve Scott	Phone: 563-452-3783
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	The applicant proposes to establish a regional composting facility initially serving communities in northern Cedar County. The project will provide an actively managed composting facility for these communities and support efforts to ban open burning of yard waste materials. The applicant currently composts yard waste materials generated in the course of his landscaping business. As proposed the project could conservatively compost approximately 3,500 tons or 8,400 cubic yards of material. Funds will be used for building construction and purchase of equipment.	
<b>Target Area:</b>	Clarence, Stanwood, Lowden, Mechanicsville, and Cedar County	

<b>Dickinson County Landfill Commission</b> <b>1107 S. Hwy. 71</b> <b>Arnolds Park, IA 51331</b>	<b>Forgivable Loan: \$20,000</b> <b>Zero Interest Loan: \$62,336</b> <b>3% Interest Loan: \$0</b> <b>Total Award Amount: \$82,336</b>
<b>Cash Match:</b> <b>In-Kind Match:</b> <b>Local Match:</b>	<b>\$67,664</b> <b>\$14,674</b> <b>\$82,338</b>
<b>Total Project Cost:</b>	<b>\$164,674</b>
<b>Project Title:</b> <b>Contact:</b> <b>Project Type:</b> <b>Applicant:</b> <b>Description:</b>	Equipment Acquisition Ron Walker                      Phone: 712-332-2341 Best Practices Local Government Requesting funds for the purchase of a compost turner and tractor/loader to improve the economics and efficiency of the County's compost facility. Yard waste management of several thousand tons is currently contracted out causing delays in operations and composting time requirements. The project is part of an overall increase in services provided to Dickinson County residents including household hazardous materials, white goods, etc.
<b>Target Area:</b>	Dickinson County

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<b>1-800-Got-Junk?</b> 2952 Brady Street Davenport, IA 52803	<b>Forgivable Loan: \$0</b> <b>Zero Interest Loan: \$76,350</b> <b>3% Interest Loan: \$0</b> <b>Total Award Amount: \$76,350</b>
<b>Cash Match:</b> <b>In-Kind Match:</b> <b>Local Match:</b>	<b>\$69,450</b> <b>\$55,200</b> <b>\$124,650</b>
<b>Total Project Cost:</b>	<b>\$201,000</b>
<b>Project Title:</b> <b>Contact:</b> <b>Project Type:</b> <b>Applicant:</b> <b>Description:</b>	1-800-Got-Junk? Trent Lorfeld                      Phone: 563-529-2982 Best Practices Private For Profit The applicant proposes to expand his material collection/recycling service, removing bulky/difficult to handle/unwanted items from business and residential customers, to the Waterloo/Cedar Rapids/Iowa City area. Funding will go towards the purchase of two trucks (one for their new expansion area and another to handle excess demand in their Des Moines location) as well as drivers for the vehicles. Because all 1-800-GOT-JUNK trucks operate as their own profit center, there is a strong emphasis on finding

recycling/reuse markets for all material collected. Estimated additional tonnage diverted from the landfill by the two new trucks is 360 tons per year.

**Target Area:** Waterloo, Cedar Rapids, Iowa City, Des Moines

Cedar Valley Habitat for Humanity  
**500 3<sup>rd</sup> Street SE**  
**Cedar Rapids, IA 52401**

**Forgivable Loan: \$78,000**  
**Zero Interest Loan: \$60,700**  
**3% Interest Loan: \$0**  
**Total Award Amount: \$138,700**

**Cash Match:** \$77,300  
**In-Kind Match:** \$73,400  
**Local Match:** \$150,700  
**Total Project Cost:** \$289,400

**Project Title:** ReStore Start-up

**Contact:** Tommi Boeder or Phone: 319-366-4485  
 Rachel Miketa

**Project Type:** Best Practices

**Applicant:** Private Not For Profit

**Description:** The applicant proposes to open a Habitat ReStore, a retail business that will accept surplus new and used building materials (windows, plumbing fixtures, cabinets, doors, etc.) donated by building supply stores, building contractors and homeowners. These quality building products will then be available to local landlords, homeowners and non-profit organizations at a low cost. The project is modeled after successful Habitat ReStore facilities in the Quad Cities, Kansas City, Madison, and other locations. Applicant projects 150 tons will be diverted from the landfill in the first year of operation, with a majority of the diversion being construction materials.

**Target Area:** Linn and Benton Counties

**Hawkeye Wood Shavings, Inc**  
**5511 East University Avenue**  
**Des Moines, IA 50317**

**Forgivable Loan: \$0**  
**Zero Interest Loan: \$165,000**  
**3% Interest Loan: \$0**  
**Total Award Amount: \$165,000**

**Cash Match:** \$50,000  
**In-Kind Match:** \$115,000  
**Local Match:** \$165,000  
**Total Project Cost:** \$330,000

<b>Project Title:</b>	Pallet and Wood Waste Reduction
<b>Contact:</b>	Frank Sloan                      Phone: 515-265-6440
<b>Project Type:</b>	Best Practices
<b>Applicant:</b>	Private For Profit
<b>Description:</b>	The applicant proposes to purchase and install a larger grinder to increase capacity of processing wood waste in response to increased demand for their services. Hawkeye Wood Shavings is a long-established Metro business that grinds pallets and other wood waste (including C&D wood waste) from Metro Area businesses and successfully markets the finished product as mulch, animal bedding, and raw materials for customer product manufacturing. Initial estimates project between 9,000 and 12,000 additional tons of wood waste per year to be diverted from Iowa landfills.
<b>Target Area:</b>	State of Iowa

Michael O'Brien 1308 2 <sup>nd</sup> Ave North Clear Lake, IA 50428	<b>Forgivable Loan:</b> <b>\$20,000</b>
	<b>Zero Interest Loan:</b> <b>\$152,775</b>
	<b>3% Interest Loan</b> <u><b>\$0</b></u>
	<b>Total Award Amount:</b> <b>\$172,775</b>
	<b>Cash Match:</b> \$137,605.00
	<b>In-Kind Match:</b> \$60,317.40
	<b>Local Match:</b> \$197,922.40
	<b>Total Project Cost:</b> \$370,697.40

<b>Project Title:</b>	Low Phosphate Bio-Fertilizer Proto-type
<b>Contact:</b>	Michael O'Brien              Phone: 641-420-3661
<b>Project Type:</b>	Best Practices
<b>Applicant:</b>	Private For Profit
<b>Description:</b>	The applicant proposes to establish a pilot project facility in Mason City, IA, to produce a value-added high-nitrogen, low-phosphate bio-fertilizer product utilizing organic wastes diverted from Iowa landfills and conventional compost produced in Iowa. Previous bench scale tests have developed a high-quality bio-fertilizer product. Funding will allow for the establishment of a large-scale pilot facility to fine-tune the production process, develop quality control procedures, and demonstrate product capability and consistency to identified buyers. Landfill diversion for the one-year project is projected at 360 tons of organic waste (carbon-based bulking material) and 40 tons of conventional IA compost.
<b>Target Area:</b>	State of Iowa

<b>Pottawattamie County Conservation Board 223 South 6<sup>th</sup> Street Council Bluffs, IA 51501</b>	<b>Forgivable Loan: \$20,000 Zero Interest Loan: \$89,992 3% Interest Loan: \$0 Total Award Amount: \$109,992</b>
	<b>Cash Match: \$220,104 In-Kind Match: \$346,259 Local Match: \$566,363 Total Project Cost: \$676,355</b>
<b>Project Title:</b> <b>Contact:</b> <b>Project Type:</b> <b>Applicant:</b> <b>Description:</b>	Hitchcock Nature Center- Interpretive Facility Chad Graeve Phone: 712-545-3283 Best Practices Local Government Applicant is looking to reuse and renovate an existing building to serve as an interpretive center for a 1,002 acre preserve in the Loess Hills receiving more than 20,000 visitors annually. Through renovation, purchase of recycled content products, low VOC adhesives, paint, signage, etc. the applicant will demonstrate through self-guided tours as well as formal classroom presentations the concept of environmental stewardship, personal choice and behavior and their impact on the environment. Funds will be used for sustainable products and an alternative fuels furnace.
<b>Target Area:</b>	Pottawattamie County and visitors from the greater Midwest

### PROPOSAL RECOMMENDATIONS: \$25,000 AND BELOW

#### BEST PRACTICES PROJECTS

<b>City of Chariton 115 South Main Street, City Hall Chariton, IA 50049</b>	<b>Forgivable Loan: \$9,725 Zero Interest Loan: \$0 3% Interest Loan: \$0 Total Award Amount: \$9,725</b>
<b>Cash Match: In-Kind Match: Local Match: Total Project Cost:</b>	<b>\$9,725 \$0 \$9,725 \$19,450</b>



<b>Project Title:</b>	Lucas County Recycling Program Continuation
<b>Contact:</b>	Timothy Vick Phone: 641-774-5991
<b>Project Type:</b>	Best Practices
<b>Applicant:</b>	Local Government
<b>Description:</b>	Funds are requested for the purchase of a vehicle to service the County's recycling trailers. The vehicle will pull the recycling trailers from the four communities on a rotating basis to the recycling center for unloading and then placement back into the communities.
<b>Target Area:</b>	Lucas County

<b>East Central Iowa</b>	<b>Forgivable Loan:</b>	<b>\$14,500</b>
<b>Council of Governments</b>	<b>Zero Interest Loan:</b>	<b>\$0</b>
108 Third Street SE, Suite 300	<b>3% Interest Loan</b>	<b><u>\$0</u></b>
Cedar Rapids, IA 52401	<b>Total Award Amount:</b>	<b>\$14,500</b>
	<b>Cash Match:</b>	\$15,250
	<b>In-Kind Match:</b>	\$0
	<b>Local Match:</b>	\$15,250
	<b>Total Project Cost:</b>	\$29,750

<b>Project Title:</b>	Jones County School Recycling Program
<b>Contact:</b>	Jennifer Ryan Phone: 319-365-9941 ext. 31
<b>Project Type:</b>	Education
<b>Applicant:</b>	Local Government
<b>Description:</b>	The school recycling project will assist Jones County and its four school districts expand their recycling efforts and raise awareness about recycling. Goals of the project are to increase material diversion, approximately 180 tons annually, and educate students/residents about recycling. Funds are requested for purchase of collection containers, training sessions for all teachers and staff in the four school districts, presentations in each classroom, development and presentation of a solid waste education unit, including field trips for one grade level throughout the County, and to organize a recycling contest in each school district.
<b>Target Area:</b>	Jones County

<b>City of Ames</b>	<b>Forgivable Loan:</b>	<b>\$20,000</b>
<b>Resource Recovery System</b>	<b>Zero Interest Loan:</b>	<b>\$3,800</b>
<b>110 Center Avenue</b>	<b>3% Interest Loan</b>	<b><u>\$0</u></b>
Ames, IA 50010	<b>Total Award Amount:</b>	<b>\$23,800</b>

	<b>Cash Match:</b>	\$15,050
	<b>In-Kind Match:</b>	\$15,800
	<b>Local Match:</b>	\$30,850
	<b>Total Project Cost:</b>	\$54,650
<b>Project Title:</b>	Glass Recycling Project	
<b>Contact:</b>	Gary Freel	Phone: 515-239-5137
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	The applicant proposes to purchase and install a glass crushing system in the Resource Recovery Plant in Ames. The system would allow glass to be separated from their refuse-derived fuel (RDF) stream that is used to generate electricity at the City's power plant. Currently, glass is unable to be separated and causes serious equipment wear and boiler slag before being landfilled as generator waste. The crusher will separate and then pulverize the glass into sandblast or play-quality sand to be used in Public Works Utility projects. The process will allow for a minimum of 100 tons of glass to be recycled each year, with projected glass recovery increases of 10% each year following.	
<b>Target Area:</b>	Story County	

### EDUCATION PROJECTS

<b>University of Northern Iowa Center for Energy and Environmental Education Cedar Falls, IA 50614-0293</b>	<b>Forgivable Loan:</b>	<b>\$17,823</b>
	<b>Zero Interest Loan:</b>	<b>\$0</b>
	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$17,823</b>
	<b>Cash Match:</b>	\$11,604
	<b>In-Kind Match:</b>	\$6,238
	<b>Local Match:</b>	\$17,842
	<b>Total Project Cost:</b>	\$35,665
<b>Project Title:</b>	Addressing the Overlooked "R" Workshops	
<b>Contact:</b>	Susan Salterberg	Phone: 319-273-2573
<b>Project Type:</b>	Education	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	The applicant proposes to conduct <i>Waste Reduction: Addressing the Overlooked "R"</i> courses to Iowa teachers in two rural regions of the state where professional development for educators related to environmental education/waste issues are underserved. The course introduces educators to waste reduction, waste reduction resources and lesson plans for their own classrooms. The Contractor will also	

offer a first-time workshop on *Advanced Waste Reduction: Addressing the Overlooked "R"*, eligible to educators who have already completed the beginning Waste Reduction course. The cornerstone of the course will be a community waste-related service-learning project conducted by the teacher with his/her students.

**Target Area:** Iowa

### PROPOSALS RECEIVED, NOT RECOMMENDED

**Plum Enterprizes**  
4536 West Euclid Ave  
Des Moines, IA 50310

**Total Amount Requested:** \$85,500

**Project Title:** Onsite Grinding of Construction Waste  
**Contact:** Clint Graham **Phone:** 515-271-5028  
**Project Type:** Best Practices  
**Applicant:** Private For Profit  
**Description:** Applicant proposed on-site grinding and land application of construction waste.

**MaxYield Cooperative**  
P.O. Box 49  
12 1<sup>st</sup> Avenue SE  
West Bend, IA 50597

**Total Amount Requested:** \$29,980

**Project Title:** Bulking Agent Evaluation and Market Research  
**Contact:** Larry Arndt **Phone:** 712-852-3050  
**Project Type:** Best Practices  
**Applicant:** Private For Profit  
**Description:** Proposed to evaluate alternative bulking agents for hog manure and market research for finished compost.

**River Valley Nursery & Landscaping**  
2813 Jackson Street  
Dubuque, IA 52001

**Total Amount Requested:** \$53,952.75

**Project Title:** Increase Compost Usage  
**Contact:** Wayne Klostermann **Phone:** 563-582-1296  
**Project Type:** Best Practices

<b>Applicant:</b>	Private For Profit
<b>Description:</b>	Applicant proposed to utilize compost for landscaping, erosion and sediment control.

<b>Cedar Rapids/ Linn County Solid Waste Agency 6301 Kirkwood Blvd SW Cedar Rapids, IA 52406</b>	<b>Total Amount Requested:</b>	<b>\$20,000</b>
<b>Project Title:</b>	Commercial Waste Reduction Survey	
<b>Contact:</b>	Marie DeVries	<b>Phone:</b> 319-398-1278 ext. 3
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	Proposed to conduct a waste sort and characterization study, impact of the corrugated cardboard landfill ban and survey businesses on in-house recycling programs.	

<b>Laurens Industrial Foundation, Inc 101 N. 3<sup>rd</sup> Street, P.O. Box 101 Laurens, IA 50554</b>	<b>Total Amount Requested:</b>	<b>\$260,000</b>
<b>Project Title:</b>	Recycling Aerosol Cans and Toxic Contents	
<b>Contact:</b>	William Alexander	<b>Phone:</b> 712-841-2681
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private Not For Profit	
<b>Description:</b>	Applicant proposed to purchase a building and conduct commercialization testing of aerosol can recycling technology.	

<b>City of Johnston 6221 Merle Hay Road Johnston, IA 50131</b>	<b>Total Amount Requested:</b>	<b>\$130,000</b>
<b>Project Title:</b>	Creekside Park Parking Lot Resurfacing Project	
<b>Contact:</b>	Connie Maxwell	<b>Phone:</b> 515-278-0822
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Local Government	
<b>Description:</b>	Requested funds to pave a parking lot using recycled glass and asphalt shingles.	

<b>Nti2, Inc</b> <b>4415- ½ Stone Ave</b> <b>Sioux City, IA 51106</b>		<b>Total Amount Requested:</b>	<b>\$57,785</b>
<b>Project Title:</b>	Permanent Electronic Waste Collection Site		
<b>Contact:</b>	Kathleen Keairns	<b>Phone:</b>	712-239-8837
<b>Project Type:</b>	Best Practices		
<b>Applicant:</b>	Private For Profit		
<b>Description:</b>	Proposed to establish an electronic waste collection site serving residents and businesses in Northwest Iowa.		

<b>Imagine Recreating Mt. Union</b> <b>208 East Kneen St.</b> <b>Mt. Union, IA 52644</b>		<b>Total Amount Requested:</b>	<b>\$20,306.25</b>
<b>Project Title:</b>	Eagle’s Landing Park		
<b>Contact:</b>	Kimberly Fenton	<b>Phone:</b>	319-865-3114
<b>Project Type:</b>	Best Practices		
<b>Applicant:</b>	Private Not For Profit		
<b>Description:</b>	Funds were requested for recycled rubber playground cover in the city park.		

<b>Natural Star Plant Food</b> <b>Hwy 136N 900 11<sup>th</sup> Street NE</b> <b>Dyersville, IA 52040</b>		<b>Total Amount Requested:</b>	<b>\$237,000</b>
<b>Project Title:</b>	Natural Star Plant Food		
<b>Contact:</b>	Clete Engelken	<b>Phone:</b>	563-875-7692
<b>Project Type:</b>	Best Practices		
<b>Applicant:</b>	Private For Profit		
<b>Description:</b>	Applicant proposed to manufacture plant food products using finished compost and other natural solid waste materials.		

<b>Carroll County Conservation Board</b> <b>22676 Swan Lake Dr.</b> <b>Carroll, IA 51401</b>		<b>Total Amount Requested:</b>	<b>\$7,210</b>
<b>Project Title:</b>	Swan Lake Wetland Boardwalk		
<b>Contact:</b>	Mark River	<b>Phone:</b>	712-792-4614
<b>Project Type:</b>	Education		
<b>Applicant:</b>	Local Government		
<b>Description:</b>	Applicant proposed to construct a boardwalk from recycled content lumber at the recently constructed wetland.		

<b>Naturally Iowa LLC</b> <b>1518 South 16<sup>th</sup> Street</b> <b>Clarinda, IA 51632</b>	<b>Total Amount Requested:           \$136,162</b>
<b>Project Title:</b> Natureworks PLA Bottles <b>Contact:</b> William Horner <b>Phone:</b> 405-510-7705 <b>Project Type:</b> Best Practices, Education, Market Development <b>Applicant:</b> Private For Profit <b>Description:</b> Proposed to demonstrate the use of milk jugs made from corn and their ability to be composted.	
<b>R. Alexander Associates</b> <b>1212 Eastham Drive</b> <b>Apex, NC 27502</b>	<b>Total Amount Requested:           \$61,100</b>
<b>Project Title:</b> Iowa Compost Product Development <b>Contact:</b> Ron Alexander <b>Phone:</b> 919-367-8350 <b>Project Type:</b> Market Development <b>Applicant:</b> Private For Profit <b>Description:</b> Proposed to conduct compost product development and market enhancement activities to expand the use of Iowa compost.	
<b>Tom Van Leeuwen</b> <b>721 2<sup>nd</sup> Street</b> <b>Hull, IA 51239-0434</b>	<b>Total Amount Requested:           \$216,850</b>
<b>Project Title:</b> Auto Glass Recycling Service <b>Contact:</b> Tom Van Leeuwen <b>Phone:</b> 712-439-2045 <b>Project Type:</b> Market Development <b>Applicant:</b> Private For Profit <b>Description:</b> Applicant proposed to recycle auto glass for making sand product for uses such as golf course sand traps, landscaping block, sand blasters, etc.	

*Motion was made by Terry Townsend to approve the SWAP recommendations as presented. Seconded by Jerry Peckumn.*

Lori Glanzman asked about the selection committee.

Tom Anderson said that we stagger the selection committee's terms, but try to keep some continuity between rounds. Most terms are 2-3 years.

*Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT - DMACC INDUSTRIAL ELECTRO-MECHANICAL TECHNICIAN CURRICULUM DEVELOPMENT— INDUSTRIAL TECHNOLOGIES GRANT**

Michael Adams, Program Planner 2 of the Energy and Waste Management Bureau presented the following item.

The Department received a grant from the U.S. Department of Energy in the amount of \$149,971. Pursuant to that grant, the Department intends to execute a contract, in the amount of \$90,000 with Des Moines Area Community College (DMACC). DMACC is a six-campus institution serving 11 counties and 23 percent of Iowa's population. DMACC provides industrial education to incumbent workers and traditional students in the areas of Industrial Electro-Mechanical Technology, Heating/Cooling and Refrigeration Technology, and Building Maintenance.

Des Moines Area Community College will provide \$37,683 in Cost Share. The following Iowa businesses also will provide an additional \$31,600 worth of Cost Share not directly included in this contract: Cargill--\$7,000; Accumold--\$5,000; EMCO--\$3,600; Check-All Valve Mfg.--\$6,000; and the Iowa Energy Center--\$1,500 and up to \$8,500 in scholarship assistance to DMACC students and faculty. These businesses with DMACC will provide a total of \$69,283 worth of Cost Share to ensure the success of this project.

The purpose of the grant and the contract with Des Moines Area Community College is to formulate the structure, curriculum and content for a diploma program in industrial energy efficiency and waste minimization processes for delivery at community colleges. One of the most important issues facing industry today is the rising cost of energy. Industries are continually looking for ways to reduce their energy costs by balancing the load and demand of their energy power systems to obtain optimum system performance.

The current manufacturing workforce expects to experience a wave of retirements in the next 5-10 years. This program will develop appropriate education and training classes that will lead to the replenishment of the workforce with a focus on energy performance optimization and waste minimization practices that can help companies reduce costs and maximize profits. Students who complete the diploma program will be ready for a technical career in manufacturing industries, with an emphasis on industrial energy efficiency and waste minimization. In addition, the curriculum will enable Iowa manufacturers to provide this training for their current employees.

<b>DNR Contract Value</b>	<b>Cost Share Providers</b>
\$90,000	Des Moines Area Community College: \$37,683
	Cargill: \$7,000
	Accumold: \$5,000
	EMCO: \$3,600
	Check-All Valve Mfg.: \$6,000
	Iowa Energy Center: \$1,500 plus up to \$8,500 in student and faculty scholarships

The Department requests the Commission's approval to enter into a contract with the Des Moines Area Community College.

### **Industrial Technologies Program**

#### **Industrial Electro-Mechanical Technician Curriculum Development Grant – February 2005**

The Department received a grant from the U.S. Department of Energy in the amount of \$149,971. Pursuant to that grant, the Department intends to execute a contract, in the amount of \$90,000 with Des Moines Area Community College (DMACC). DMACC is a six-campus institution serving 11 counties and 23 percent of Iowa's population, for the delivery of industrial education to incumbent workers and traditional students in the areas of Industrial Electro-Mechanical Technology, Heating/Cooling and Refrigeration Technology, and Building Maintenance.

Des Moines Area Community College will provide \$37,683 in Cost Share. The following Iowa businesses also will provide an additional \$31,600 worth of Cost Share not directly included in this contract: Cargill--\$7,000; Accumold--\$5,000; EMCO--\$3,600; Check-All Valve Mfg.--\$6,000; and the Iowa Energy Center--\$1,500 and up to \$8,500 in scholarship assistance to DMACC students and faculty. These businesses with DMACC will provide a total of \$69,283 worth of Cost Share to ensure the success of this project. The following provides a brief description of the project and the funding amount.



**CONTRACT RECOMMENDATION ABOVE \$25,000**

Des Moines Area Community College 2006 South Ankeny Blvd. Building 22 Ankeny, IA 50021	<b>Contract Amount:</b> \$90,000 <b>Total Contracted Cost Share:</b> \$37,683						
<table> <tr> <td><b>Cash Cost Share:</b></td><td><b>\$0</b></td></tr> <tr> <td><b>In-Kind Cost Share:</b></td><td><b>\$37,683</b></td></tr> <tr> <td><b>Total Contracted Project Cost:</b></td><td><b>\$127,683</b></td></tr> </table>		<b>Cash Cost Share:</b>	<b>\$0</b>	<b>In-Kind Cost Share:</b>	<b>\$37,683</b>	<b>Total Contracted Project Cost:</b>	<b>\$127,683</b>
<b>Cash Cost Share:</b>	<b>\$0</b>						
<b>In-Kind Cost Share:</b>	<b>\$37,683</b>						
<b>Total Contracted Project Cost:</b>	<b>\$127,683</b>						
<b>Project Title:</b>	Industrial Electro-Mechanical Technician Curriculum Development Contract						
<b>Contact:</b>	Robert D. Singer Phone: 515-964-6277						
<b>Applicant:</b>	Des Moines Area Community College pursuant to authority of IA <u>Code</u> , Section 28E.12 and the 1990 Iowa Acts						
<b>Description:</b>	<p>The Iowa Department of Natural Resources proposes to work with the Des Moines Area Community College, industry and other stakeholders to formulate the structure, curriculum, and content for a diploma program in industrial energy efficiency and waste minimization processes. One of the most important issues facing industry today is the rising cost of energy. Industries are continually looking for ways to reduce their energy costs by balancing the load and demand of their energy power systems to obtain optimum system performance. One way to help industries balance their load versus demand is to incorporate BestPractices into a curriculum targeting the next generation of technical workers and provide continuing education opportunities for current employees.</p> <p>The proposed curriculum for the Industrial Electro-Mechanical Technician program will focus on the incorporation of BestPractices publications and software developed nationally by the Department of Energy's Office of Industrial Technology (OIT) with state partners. Effective energy management and waste minimization measures in core systems such as motor drive, pumping, compressed air, and steam systems will be an end result of this education. Reducing energy consumption and waste generation will increase operation efficiency, reduce liability, reduce compliance issues, and increase worker health and safety.</p> <p>The current manufacturing workforce expects to experience a wave of retirements in the next 5-10 years. This program will develop appropriate education and training classes that will lead to the replenishment of the workforce with a focus on energy performance optimization and waste minimization practices that can help companies reduce costs and maximize profits.</p>						

Students who complete the diploma program will be ready for a technical career in manufacturing industries, with an emphasis on industrial energy efficiency and waste minimization. In addition, the curriculum will enable Iowa manufacturers to provide this training for their current employees. When implemented on-the-job, these students and employees will be able to assist their companies in lowering raw material and nonrenewable energy use per unit output, improving production efficiencies, and reducing the generation of wastes.

Project partners will ensure the Industrial Electro-Mechanical Technician curriculum is effective and disseminated nationwide, satisfying industries' needs for technicians, operators and maintenance workers trained in energy efficiency and waste minimization. The end-result of the project will be an industry-verified diploma program that validates the recipients' knowledge and ability to impart energy and waste-saving designs and processes for specific industries.

**Target Area:** State-wide

Heidi Vittetoe clarified that the U.S. Department of Energy is giving \$149,971 and the DNR is proposing to contribute \$90,000 with Des Moines Area Community College providing \$37,683 in Cost Share.

Mike Adams said that is correct. The total program will run about \$219,264. Contract amount includes instructors to develop a curriculum and to implement. This will be a 2-year diploma program to train people to be efficient with energy for industrial purposes. I would expect about 25-30 students in any given class.

*Motion was made by Donna Buell to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **RENEWABLE ENERGY PROGRAM - CEDAR RAPIDS SOLAR PROJECT CONTRACT**

Kelley Myers, Program Planner 2 of the Energy and Waste Management Bureau presented the following item.

The Department received a grant from the U.S. Department of Energy to install a solar array in a Brownfield redevelopment site. Pursuant to this grant, the Department intends to contract with the Iowa Renewable Energy Association in the amount of \$36,000 for the installation of the solar array in Cedar Rapids, Iowa. The Iowa Renewable Energy Association, Alliant Energy, City of Cedar Rapids, and the Thorland Company will provide an additional \$38,640 worth of Cost Share to ensure the success of this project.

A major purpose of the grant and the primary object of the contract with Iowa Renewable Energy Association is to install at least a 7200-watt solar array on a privately owned building in a Cedar Rapids Brownfield economic re-development area. The partners will also collaborate to educate and promote their efforts; the target audience will be broad and include utility customers, Iowa citizenry, regional business decision makers, students of all ages, teachers from the region, and the nearby University of Iowa professional community.

DNR Contract Value	Cost Share Contributions
\$36,000	\$3,600 Iowa Renewable Energy Association \$24,050 City of Cedar Rapids \$8,000 Thorland Company \$2,990 Alliant Energy

Kelly Myers presented the following PowerPoint presentation:

#### Brownfield Redevelopment

#### Achieving Sustainability through Smart Energy Choices

#### Brownfield: What are they?

- Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Has an active potential for redevelopment or reuse.
- Increases local tax bases.
- Facilitates job growth
- Utilizes existing infrastructure.
- Takes development pressures off of undeveloped, open land.
- Both improves and protects the environment.
- For more details, contact Mel Pins, IDNR at 515-281-8489.

One of the first projects we've been working on is the SE Agribusiness Park in Des Moines. This is a urban renewal in the SE part of Des Moines. The city is trying to expand the amount of skilled jobs in the area by providing an attractive place for business to expand or locate. This may include a recreational type area. The idea is for this to happen over the next 15-20 years. We have done a study to see how combined heat and power might work. We are currently working with the USDA, EPA, Department of Energy, the group that commissioned the report, and several of the tenants there now to look at how one or two of them might be able to combine their resources to increase power reliability.

#### Million Solar Roofs Initiative

- Goal: overcoming barriers to market entry for selected solar technologies
- Strategy: to facilitate the sale and installation of one million "solar roofs" by 2010.
- Iowa's goal is to have 500.

#### Solar Applications

- Solar powered kiosks
- Outdoor power sources
- Safety Lights
- Decorative Lights
- Traffic signs
- Parking meters
- Outdoor portable lights

For questions regarding solar energy, please contact Kelley Myers at 515-281-4876 or [kelley.myers@dnr.state.ia.us](mailto:kelley.myers@dnr.state.ia.us).

More information can be viewed at the DNR's website: [www.iowadnr.com/energy](http://www.iowadnr.com/energy)

We will be asking for your approval of the contract for the Cedar Rapids Bohemian Redevelopment project.

### **Renewable Energy Program Cedar Rapids Solar Project – February 2005**

The Department received a grant from the U.S. Department of Energy in the amount of \$65,600. Pursuant to this grant, the Department intends to contract with the Iowa Renewable Energy Association in the amount of \$36,000 for the installation of solar array in Cedar Rapids, Iowa. The Iowa Renewable Energy Association, Alliant Energy, City of Cedar Rapids, and the Thorland Company will provide an additional \$38,640 worth of Cost Share to ensure the success of this project.

The following provides a brief description of the project and the funding amounts.

**CONTRACT RECOMMENDATION ABOVE \$25,000**

Iowa Renewable Energy Association		<b>Contract Amount:</b>	\$36,000
PO Box 3405		<b>Total Cost Share:</b>	\$38,640
Iowa City, Iowa 52244-3405			
		<b>Cash Cost Share:</b>	\$0
		<b>In-Kind Cost Share:</b>	\$38,640
		<b>Total Project Cost:</b>	\$74,640
<b>Project Title:</b>			
<b>Cedar Rapids Solar Project</b>			
<b>Contact:</b>	Beverly Hannon, President	Phone:	(563) 432-6551
<b>Applicant:</b>	Nonprofit Association		
<b>Description:</b>	<p>The primary purpose of the project is to install at least a 7200-watt solar array on a privately owned building in a Cedar Rapids brownfield economic re-development area. The partners will also collaborate to educate and promote their efforts; the target audience will be broad and include utility customers, Iowa citizenry, regional business decision makers, students of all ages, teachers from the region, and the nearby University of Iowa professional community. These partners will provide cash and equipment to the contractor in order to meet the DNR contribution.</p> <p>The Iowa Renewable Energy Association (I-Renew) will coordinate the solar array installation project and host one or more installation workshops. I-Renew has a great deal of experience with these installations, and is also interested in using this installation for its own teaching purposes.</p> <p>I-Renew will host a workshop or series of workshops to educate utility companies, state agencies, environmental groups, local businesses, electricians, volunteers, other interested groups, and individuals about the installation of solar arrays, also called photo-voltaic (PV) systems. I-Renew will coordinate with the Department to determine the time and date for the workshop or workshops.</p> <p>The focus of the workshop or workshops will be the installation of the PV system. The workshop or workshops will also accentuate the importance of partnerships and local community involvement when installing a PV system. The individual workshop lengths will be determined by presenters, but be a minimum of three (3) hours in length and will include presentations from installation professionals.</p> <p>Incorporating active PV systems into Iowa's building facilities provides multiple benefits. Through the Cedar Rapids solar project, building owners, architects,</p>		

engineers, developers, and others will have an actual demonstration to view and verifiable information for review. This will help them gauge the cost effectiveness and viability of PV systems and will lead to higher implementation rates. The solar array that will be installed will use three different mounting systems on-site. This will allow direct comparison of any additional costs versus increased electrical generation for each system type.

This project will be beneficial to utility companies in and around the state. One barrier to the increased use of PV energy systems is utility companies' lack of familiarity with PV systems. Our utility partner in this project, Alliant Energy, will be fully involved in installing this PV system.—This will provide opportunities for them to work with a system first-hand and develop an interconnection agreement. This in turn will increase Alliant's awareness of PV systems, operations, and technology, and will help to streamline the process for future PV projects. Additionally, Alliant will be able to develop testimonials regarding its exposure to PV systems.

**Target Area:** City of Cedar Rapids, and statewide for the education and promotion activities

The Department requests the Commission's approval to enter into a contract with the Iowa Renewable Energy Association.

*Motion was made by Francis Thicke to approve the project contract for the Cedar Rapids. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION: AIR QUALITY PROGRAM RULES CHAPTERS 20, 21, 22, 23 AND 25, UPDATES, REVISIONS, AND ADDITIONS**

Christine Paulson, Senior Environmental Specialist of the Air Quality Bureau presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action (NOIA) to amend Chapter 20 "Scope of Title-Definitions-Forms-Rules of Practice," Chapter 21 "Compliance," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants," and Chapter 25 "Measurement of Emissions" of the 567 Iowa Administrative Code.

This NOIA was presented to the Commission last month in an information item. This rulemaking provides the following updates, revisions, and additions:

- Adds a definition in Chapter 20 for "untreated" as it relates to wood, seeds, pellets and other vegetative matter. This definition is being added to clarify that untreated wood includes only

wood or wood products that have not been treated with compounds such as paint, pigment-stain, adhesive, varnish, lacquer, or resin, or that have not been pressure treated with compounds such as chromate copper acetate, pentachlorophenol or creosote. Untreated seeds, pellets or other vegetative matter includes only seeds, pellets or other vegetative matter that have not been treated with pesticides or fungicides. (Item 1)

- Updates the definition in Chapter 20 of “volatile organic compound,” also known as VOC, to reflect the most recent federal register amendment date. EPA amended the federal rules to remove four substances previously classified as VOC – HFE-7000, HFE-7500, HFC 227ea and methyl formate. EPA also revised the VOC classification for an additional substance, t-Butyl Acetate, also known as TBAC. The revision modifies the definition of VOC to say that TBAC will not be a VOC for purposes of emission limitations or material content requirements, but will be reported separately for purposes of recordkeeping, photochemical dispersion modeling, emissions reporting and inventory requirements. (Item 2)
- Provides clarification in the variance rules under paragraph 21.2(3)“a”. These are the provisions for granting a variance for the purpose of testing an alternative fuel. This change in the current wording, which was requested by U.S. EPA, will more clearly explain that a project subject to certain federal requirements may not obtain a variance from air quality rules. This clarification does not change any of the existing provisions for granting a variance for the purpose of testing an alternative fuel. (Item 3)
- Provides clarification in Chapter 22 under subrule 22.1(3) for construction permit applications. This rule specifies the qualifications for engineers preparing and submitting applications. The proposed rules replace the word “registered” with the word “licensed.” This change is to make the wording consistent with Iowa Code 542B.1, in which “registered” was replaced with “licensed” in 1995. The proposed rules now require that engineers submitting applications be professional engineers licensed in the state, or be full-time employees of the corporation submitting the application, consistent with the provisions of Iowa Code 542B.26. (Item 4)
- Provides clarification to the requirements for notification of ownership change for construction permits by adding the mailing address for the department’s Air Quality Bureau offices. (Item 5)
- Amends the definition of “hazardous air pollutant” under the Title V rules in rule 22.100. EPA published a final rule to delete ethylene glycol ether from the list of hazardous air pollutants (commonly known as HAPs). The proposed change to 22.100 will state that ethylene glycol ether is no longer included in the group of glycol ethers that are considered to be HAPs. The references to the Code of Federal Regulations (CFR) in 22.100 are also updated to reflect the most current federal amendment date. (Item 6)
- Updates the Title V and acid rain program rules in Chapter 22 to reflect the most current amendment dates to the CFR (Item 7, Item 8, Items 10-19 and Items 21-27).

- Changes the requirements for submitting Title V Operating Permit applications, under rule 22.105, to reduce the number of copies required from four copies to three copies, and to specify the offices where each copy must be mailed (Item 9).
- Changes the requirements under subrule 22.128(4) for acid rain applications to reduce the number of copies required to be submitted from four copies to three copies (Item 20).
- Adds a new rule 22.209 to specify the information that must be submitted when there is a change of ownership for a facility with a voluntary operating permit (Item 28).
- Adds a new rule 22.300 to specify the information that must be submitted when there is a change in ownership for a facility with an operating permit by rule for small sources. (Item 29)
- Amends Chapter 23 with the most current federal amendment date to 40 CFR Part 60 for the new source performance standards (commonly known as NSPS). Of note is EPA's amendment to the NSPS for stationary combustion turbines. The EPA amendments codify several alternative testing methods that EPA had routinely approved, and reflect changes in nitrogen oxide emission control technologies and turbine design. (Item 30)
- Amends Chapter 23 for emission standards for hazardous air pollutants (commonly known as NESHAP) to reflect the most current amendment date to 40 CFR Part 61. The amendments to Part 61 consisted of minor corrections, additions and administrative changes. (Item 31)
- Amends Chapter 23 for the most current federal amendment date of the NESHAPs contained in 40 CFR Part 63 (Item 32). The substantive changes to the federal rules include the following actions:
  - EPA amended the NESHAP commonly known as Hazardous Organic NESHAP or HON to allow vapor balancing in conjunction with the use of pressure setting to comply with the storage tank control requirements.
  - EPA amended the NESHAP for chrome emissions from hard and decorative chromium electroplating and chromium anodizing tanks to amend the emission limits, definitions, compliance provisions and performance testing requirements.
  - EPA amended the compliance requirements under the NESHAP for solvent extraction for vegetable oil production. For processes that exclusively use a qualifying low-HAP solvent, the amendments allow only the necessary recordkeeping and reporting requirements to demonstrate compliance.
  - EPA issued a stay on the effectiveness of rule requirements for two subcategories of turbines regulated under the stationary combustion turbine NESHAP – lean premix gas-fired turbines and diffusion flame gas-fired turbines. The stay is pending the outcome of EPA's proposal to delete these subcategories from the rule.



- Adopts by reference four new, recently promulgated federal NESHAPs (Item 33). The new NESHAPs regulate these source categories:
  - Plywood and composite wood products;
  - Surface coating of plastic parts and products;
  - Stationary reciprocating internal combustion engines (RICE); and
  - Industrial, commercial and institutional boilers and process heaters.
- Updates the rules in Chapter 25 for performance evaluations of continuous monitoring systems to reflect the most current CFR amendment dates. (Item 34)

If the Environmental Protection Commission approves this Notice of Intended Action, a public hearing will be held on April 19, 2005, at 1 PM at the department's Air Quality Bureau offices. The department will also hold an informational meeting for those with questions about the rule changes on April 13, 2005, at 1 PM at the department's Air Quality Bureau offices. The public comment period on the proposed rules will close on April 25, 2005.

*Motion was made by Kathryn Murphy to approve this item for Notice of Intended Action. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULE: CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS  
(CONTROLLED BURNING OF A DEMOLISHED BUILDING.)**

Christine Paulson, Senior Environmental Specialist of the Air Quality Bureau presented the following item.

The Commission will be asked to approve amendments to Chapter 23, "Emission Standards for Contaminants," 567 Iowa Administrative Code.

The primary purpose of this rulemaking is to implement Iowa Code section 455B.133(10) that was passed as House File 2392 of the 80th General Assembly and signed into law. The legislation modified an existing exemption under which a city may conduct controlled burning of a demolished building. The department is required to adopt rules to implement this legislation. This rulemaking specifies the conditions that must be met in order for a city to use the revised exemption for controlled burning of a demolished building. The department, in an effort to clarify the existing rules, is also proposing some additional changes in this rulemaking.

A public hearing was held on January 10, 2005, at the Urbandale Public Library. Two oral comments were presented at the hearing. Four written comments were received prior to the close of the public comment period. The public comment period closed on January 17, 2005.

Responses to the oral and written comments are provided on the attached responsiveness summary.

In response to both oral and written comments, the department had made modifications to the draft rule presented in the Notice of Intended Action. These changes are noted below and in the preamble of that attached rulemaking.

The following changes to the current exemption for controlled burning of a demolished building are proposed:

- Amend subrule 23.2(2), “Variances from rules,” to remove the last sentence. This sentence refers to the subparagraph for training fires and demolished building burns. Since this subrule applies to variances for all of the open burning rules, the last sentence is too restrictive. Further, specific language regarding variances from the requirements for demolished building burns is included in the subparagraph for that exemption. (Item 1)

- Amend the introductory paragraph to subrule 23.2(3) to clarify that the exemptions for open burning do not exempt any person from compliance with other applicable environmental regulations. In particular, these rules do not absolve a person from compliance with rules for solid waste disposal, including ash disposal, and solid waste permitting requirements, or from storm water discharge and storm water permitting requirements. This amendment was added in response to public comment stating that persons conducting open burning may disregard, or be unaware of, other environmental regulations to which they may be subject. (Item 2)

- Rescind subrule 23.2(3), paragraph “g”, which currently contains rules for both training fires and demolished building burns, and replace it with the requirements for training fires. The department is proposing this revision to better distinguish between the requirements for training fires and the controlled burn of a demolished building. The department is making no changes to the current rule requirements for training fires. (Item 3)

- Amend subrule 23.2(3) to add a new paragraph “j” containing the requirements for controlled burning of a demolished building. As noted above, the department is proposing this amendment to more clearly differentiate between the requirements for the two types of burns. (Item 4)

- Under new paragraph “j”, include these revisions to the requirements for controlled burning of a demolished building:

- Re-number and re-group the requirements for demolished building burns. The requirements are now grouped by category.
- Add a requirement that the city council, as “council” is defined in Iowa Code, must approve all demolished building burns. This change is being made to ensure that a city has a formal mechanism for approving all burns.
- Add a sentence stating that a city is the only party that may conduct these burns, and is responsible for ensuring compliance with all requirements. This addition is to

emphasize that only a city may conduct demolished building burns, and that the city must ensure compliance with the rules.

- Add a requirement that the city must submit the notification of a controlled burn that is postmarked at least ten working days before demolition commences, in addition to the currently-required thirty days before burning commences. This will make the rule consistent with the notification requirements for institutional demolitions under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos.
- Add a requirement that documentation of city council approval must be submitted with the notification of a demolished building burn. The change is being made to require documentation that the city council has sanctioned the burn.
- Changing the information required for the notification to include that cities specify the method used to notify “nearby” residents of the proposed burn, rather than just “city” residents. This change was made in response to public comment regarding notification of property owners and inhabitants that are in the proximity of burns conducted outside of the city limits.
- Adding a requirement that, for burns conducted outside the city limits, the city shall send a copy of the completed DNR notification form and documentation of city council approval to the chairperson of the applicable county board. This information shall be postmarked, faxed or mailed at least thirty days in advance of the proposed burn date. This change was made in response to public comment expressing concern that burns conducted outside of the city limits may cause potential conflict between cities and counties. Requiring advance notification to the county board will allow county government to contact the city, in advance of the burn, with any questions or concerns. The impact on the city is minimal, since the city is already required to complete and submit this documentation to the department.
- Add a limit of 1700 square feet for the allowed building size for burns conducted at a designated site outside the city limits. The building size limit is needed to demonstrate modeled attainment with the National Ambient Air Quality Standards (NAAQS) for particulate matter less than or equal to 10 microns in diameter (PM10) and carbon monoxide (CO).
- Add household appliances and vinyl products (such as flooring and siding) to the list of materials that may not be burned in the controlled burn of a demolished building. These items were added in response to public comment. These items would already be covered under the term “other nonstructural materials” contained in the existing rules. However, comments noted that these items are frequently found in dilapidated homes. Additionally, burning of these items could emit toxic air pollutants.
- Add landscape waste and residential waste to the list of materials that may not be burned in the controlled burn of a demolished building. This change is being made to

prevent open dumping of residential and landscape wastes for which other means of disposal are available.

- Decrease the number of demolished buildings that can be burned within a 0.6 mile radius within the city limits from three burns in three years to one burn per calendar year. This requirement was included in the amendments to Iowa Code section 455B.133(10).
- Add limits on the location for demolished building burns, and the number of burns, that may be conducted at a designated site outside the city limits. One burn per day may be conducted at a designated site at least 0.6 mile from any building inhabited by a person. These requirements were included in the amendments to Iowa Code section 455B.133(10). In addition, the term “person,” as defined in Iowa Code section 362.2(17), was added to the rule. This change was made to clarify that an inhabited building is a building inhabited by people who are residents or employees of a business, but does not include a building inhabited by only livestock or other animals.
- Add requirements that the city must control access to all demolished building burn sites, and that representatives of the city who are city employees or who are hired by the city must supervise all burns at all times. These requirements were included in the amendments to Iowa Code section 455B.133(10). A clarification was also added to better define “representatives of the city.”
- Add to the recordkeeping requirements for demolished building burns to include the requirement that the city shall keep a copy of all notifications and supplementary information sent to the department. This modification was made in response to public comment requesting that the documentation requirements be strengthened to verify regulatory compliance. Much of the information identified by the commenter is already required to be submitted to the department. It is expected that cities are already retaining at least one copy of these documents for their records. This addition will ensure the city is keeping adequate documentation of all burns.
- Add to the recordkeeping requirements for demolished building burns to include documentation showing the date and square feet of building material burned. This is in addition to the current rule requirement that the city keep a map of the burn locations. This change is to ensure that the city is keeping adequate documentation of all burns.
- Clarify that the city clerk, as “clerk” is defined in Iowa Code, must maintain all required records for demolished building burns. This change adds a reference to the Iowa Code definition for “clerk.”
- Add a three-year retention period for all recordkeeping required for demolished building burns. This requirement is being added because exceedances of the NAAQS for PM10 are tracked over a three-year period.

- Add a clarification that compliance with the requirements for a controlled burn of a demolished building does not absolve the city from compliance with other applicable environmental regulations, such as rules for storm water run-off and solid waste disposal. This language was added in response to public comment, for the reasons as are noted for Item 2. The controlled burn of a demolished building, in particular, may generate regulated solid waste, including ash, or storm water run-off.

Christine Paulson said that EPA previously indicated to the DNR that they accepted the changes we had made but in recent comments regarding this Notice of Intended Action, they had stated that they were concerned about protection of the national ambient air quality standards with this. They asked us not to submit this rulemaking as an amendment to our state implementation plan (SIP). They have indicated that this is not an enforcement priority for them and that it's not going to impact our delegation agreement with EPA; however, EPA's enforcement priorities could change in the future. This is going to be a state only rule and not federally enforceable.

*Motion was made by Terry Townsend to approve the final rule – Chapter 23 as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **APPOINTMENT – GRAIN PROCESSING CORPORATION**

Anne Preziosi, Attorney with the Department of Natural Resources Legal Services Bureau asked the commission to refer Grain Processing Corporation because of failure to comply with the emission limits and operating conditions contained in its construction permits issued for Emission Points 168 and 169. The operating conditions in the construction permits have been violation from May 19, 1992 to the present times. The facility is still in violation. The permits were issued on September 13, 1990. This emission unit began operation in August 1991. GPC was required in the permits for Emission Points 168 and 169 to submit emission and operating records to DNR each January for the previous year. At present, Grain Processing Corporation has not submitted records to the DNR, as required. We believe they should be referred due to the failure to comply and the length of the violation.

Scott Young, Attorney for Grain Processing Corp.(GPC) said that GPC is not here in dispute about the underlining facts of the Departments allegations, we're here because of how the department wants to refer at this time. We believe a referral is premature and a resulting of referring us at this time will just mean additional expense to GPC and the state and delay a resolution to this matter. GPC has made it clear to the department that we are prepared to sit down and work with the department on resolving this matter. If it was just a question of the fines, then we agree that if the fine is more than \$10,000 it needs to be referred to the Attorney General's Office under existing law. We understand from the Department that the kind of resolution the department desires involves technical issues, in addition to the fines. We believe sending it to the AG's office will militarize the issue and delay getting a resolution. GPC is prepared to sit down and work this out with the department. We're not arguing the law, just the

process. We think that the way it works here is a system that works with compliance among the technical people, not forcing a lawyer in this issue. This makes things harder because people will be more sensitive about what they say, how they say and how they get to a resolution. That's why GPC believes that a referral is not appropriate at this time. It may in the end prove to be appropriate to refer.

Heidi Vittetoe asked if this has been an ongoing problem, why has it taken us 13 years to be standing here?

Scott Young said that he would disagree with Anne Presozi about whether there was an obligation by GPC to provide annual updates on hourly usage. We have provided the department with all of the that information for the entire time of the operation. GPC's intention is to be a compliant entity. As we understand there is an issue, we are prepared to address it. The department has decided to take a different route rather than talking through things, they haven't explained why they want to go this route. To me, this route doesn't make sense in terms of people's resources and how you protect the environment. Going to referral route first gets in the way of these things.

Francis Thicke asked the department if they could explain why they have taken this course.

Ed Tormey said that this is strictly a matter of jurisdiction. Any civil penalty over \$10,000 has to go to the Attorney General. We are talking about significant penalties here. We have all intentions to negotiate and work out a resolution with GPC, but it will have to be done at the Attorney General's office. That's statutorily how it works. I do not believe we are not any less willing to work out a settlement.

Catherine Fitzsimmons said that she believes this should be referred to the Attorney General. We are looking a substantial penalty, we should have the Attorney General present.

*Motion was made by Donna Buell to refer Grain Processing Corporation to the Attorney General's Office. Seconded by Francis Thicke. Motion carried unanimously.*

Terry Townsend asked since the notice of violation went out in June of 2004, has there been any communication from GPC to DNR.

Anne Presozi said that GPC had asked to raise the limits on this permit. There were discussions with our permitting engineers, which lead to us getting information from them about the emissions from 1992 to the present. This information did not agree with the emission information that we received in 1999. At the point we started to look into this.

Lori Glanzman said that she is wished this hadn't taken twelve years to resolve. If they were suppose to submit an annual report, something should have been done earlier. I don't see how someone can get by with out submitting one.

**REFERRED**

**FINAL RULE: CHAPTER 22, SPECIAL REQUIREMENTS FOR VISIBILITY PROTECTION, BEST AVAILABLE RETROFIT TECHNOLOGY (BART) APPLICABILITY**

Wendy Rains, Senior Environmental Specialist of the Air Quality Bureau presented the following item.

The Commission will be asked to approve amendments to Chapter 22 “Controlling Pollution” of the 567 Iowa Administrative Code.

The purpose of these amendments is to assist the department in identifying stationary sources of air pollution potentially subject to the Best Available Retrofit Technology (BART) emission control requirements established by the federal Regional Haze Regulations.

Regional haze is visibility impairment at federal mandatory Class I areas (i.e., national parks and wilderness areas). It is caused by tiny particles that absorb and scatter sunlight, giving the sky a veil of white and brown haze. Previous federal regulations addressed visibility impairment attributable to specific sources. The Regional Haze Regulations address visibility impairment resulting from air pollution transported hundreds of miles and attributable to the cumulative emissions from widely distributed sources.

The department has been meeting with a representative group of potential BART-eligible sources regarding the BART requirements and the timeline mandated by the federal regulations for implementation. Currently, the department anticipates this rule will impact emission units at approximately 40 facilities.

The U.S. EPA is not expected to finalize the BART implementation guidance for the Regional Haze Regulations until sometime in the spring of 2005. Therefore, the department proposes a bifurcated rulemaking process that will allow the department to proceed with activities related to the elements of the BART implementation guidance that are already established in the Regional Haze Regulations. A future rulemaking will set out the procedure the department will follow to comply with the remainder of the BART implementation guidance. Following the second rulemaking, each stationary source of air pollution determined to be BART-eligible would undergo review by the department to determine whether air pollutant emissions from the source could reasonably be anticipated to cause or contribute to any visibility impairment in any federal mandatory class I area. The department must comply with the Regional Haze Regulations by December 2007.

A public meeting was held at the Air Quality Bureau on January 14, 2005. One comment was received during the public hearing. The due date of the BART Eligibility Certification form was changed from July 1, 2005 to September 1, 2005 in response to the comment.

*Motion was made by Kathryn Murphy to approve the final rule for Chapter 22 as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PROGRESS REPORT FOR MODIFICATIONS TO CHAPTER 61, WATER QUALITY STANDARDS**

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Environmental Protection Commission (EPC) will be presented with updated information regarding the "Iowa Department of Natural Resources Time Line for Water Quality Standards Modifications" document and efforts toward major rule making efforts which will occur in the near future.

Chuck Corell said that we were criticized by EPA and some environmental groups for our water quality standards being inconsistent to the Clean Water Act. We have reviewed them and put together a timeline that states the issues we are going to address and the date that we plan to address those. We have been meeting internally having conservation and doing research on what the Clean Water act states. We have reviewed legal documents and other states water quality standards. We have been communicating with EPA regarding anti-degradation policies and implementation and planning of the work element reports. We are also developing an economic analysis of the changes that we are looking at. We think its fair that if we are going to be talking of these changes with the public, that they are aware of the consequences of these changes. Our estimates on who will be impacted and the costs involved are very preliminary. We are working with the Iowa Water Pollution Control Association to gather information on operation and maintenance costs. We have been meeting with Stakeholder groups to discuss with them the changes and gather their ideas. We are planning to hold meetings with individual facilities that maybe impacted of these changes. We are still considering reconvening our technical advisory committee on a formal basis.

Adam Schnieders presented an outlined map that detailed designated stream reaches for a specific part of Iowa. Currently, streams that flow as result of discharges from wastewater treatment plants were considered as general use. That will be eliminated as a part of these proposed rule changes. As a result, any continuous flowing wastewater treatment plant would essentially have to meet end of pipe criteria as their flow is resulting in a perennial type stream. The best way to determine a perennial stream is if we field assessed it.



Chuck Corell said that if a stream has no designation then it's classified as a general use stream. We go out and assess a stream, if it doesn't rise to the level of a BLR stream, then we don't designate it. Then the only protection it gets is for general use.

Adam Schnieders said that we are still researching what other states are doing in regard to effluent created streams and protected flow.

There will be approximately 347 facilities statewide that may be effected by these rule changes.

Chuck Corell said that we are planning to have a notice of intended of action for information at the May Commission meeting.

<b>INFORMATIONAL ONLY</b>
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## **THE DRAFT 2004 IOWA LIST OF SECTION 303(D) IMPAIRED WATERS**

John Olson, from DNR's geological and land survey bureau presented the following item.

### **TMDL & Water Quality Assessment Section, Geological Survey & Land Quality Bureau, Environmental Services Division, Iowa Dept. of Natural Resources**

**Summary:** Iowa's draft 2004 list of impaired waters contains 211 waterbodies with a total of 262 impairments. The list includes 168 stream/river segments, 47 lakes, one federal flood control reservoir, and two wetlands. This draft list is a subset of the 913 waterbodies assessed for support of their designated beneficial uses as described in the Iowa Water Quality Standards as part of Clean Water Act Section 305(b) reporting (Table 1). Most of the impairments are identified on Iowa's lakes and rivers (Table 2). Impairments are identified for all classes of beneficial uses (primary contact recreation, aquatic life, drinking water, and general uses) (Table 3). The most frequently identified causes of impairment include indicator bacteria, turbidity, suspended algae (turbidity and algae are primarily problems in lakes), organic enrichment, and high levels of nitrate affecting rivers designated for drinking water uses (see Figure 1). Ninety-four of the stream/rivers segments on the list were added based on results of biological monitoring that fail to meet regional expectation in terms of aquatic communities (fish and aquatic macroinvertebrates) but do not identify the specific cause of aquatic life impairment.

**Federal Requirements for water quality reporting and impaired waters listing:** The Federal Water Pollution Control Act (commonly referred to as the Clean Water Act (CWA)) requires each state to develop a program to monitor the quality of its surface waters (streams, lakes, and wetlands (=waterbodies)). Section 305(b) of the CWA requires states to prepare, every two years, a report that describes, based on the monitoring data available, the status of water quality and the extent to which state waters meet goals of the Act.

Section 303(d) of the CWA requires each state, from time to time, to list its waters for which effluent limitations are not sufficient to meet state water quality standards. In federal regulations for implementing Section 303(d), U.S. EPA has defined “from time to time” to mean April 1 of even-numbered years, which coincides with the deadline for Section 305(b) reporting. For the 2004 water quality reporting and impaired waters listing cycles, U.S. EPA recommended that states provide a single water quality monitoring and assessment report—the Integrated Report—that combines the water quality reporting requirements of Section 305(b), the impaired waters listing requirements of Section 303(d), and the lakes reporting requirements of Section 314 of the Clean Water Act. This “Integrated Report” is composed of five categories that are designed to give the public and other stakeholders a comprehensive summary of the water quality status in the state (Table 1). According to U.S. EPA’s guidelines, water quality problems identified in the Integrated Report should be emphasized and reflected in the state’s water quality management plan and annual work programs under Sections 106, 205(j), and 319 of the Clean Water Act.

**Iowa’s Water Quality Monitoring Programs:** The current IDNR surface water monitoring network consists of 84 stations mostly on the larger interior rivers with a few stations on larger streams. Sixty of these are ambient stations that are sampled monthly; 24 stations are monitored monthly as part of the upstream-downstream city monitoring. In addition, swimming beaches at 35 state-owned lakes are sampled for indicator bacteria (*E. coli*) weekly from April through October. During the period 2000-2004, 132 Iowa lakes were sampled by Iowa State University as part of IDNR-sponsored statewide survey. Approximately 70 stations on smaller rivers and streams are sampled yearly for fish and macroinvertebrates as part of biological monitoring conducted for the IDNR/UHL stream biocriteria project, the regional environmental monitoring and assessment program (REMAP), and TMDL-related monitoring. In cooperation with U.S. EPA (Region 7), IDNR conducts annual monitoring of toxic contaminants in fish from Iowa’s rivers and lakes. Iowa DNR also uses data from monitoring networks operated by the Corps of Engineers, U.S. Geological Survey, and municipal water utilities (e.g., Des Moines, Cedar Rapids, and the Rathbun Rural Water Association). Results of fish kill investigations are also used to develop water quality assessments.

**Qualifiers:** The list of impaired waters is only as inclusive as the various water quality monitoring networks in Iowa. In general, the more monitoring that is conducted, the more waters on the list. Iowa does not have numeric WQ criteria for nutrients, turbidity or siltation; any such impacts identified are based on violations of the state’s narrative standards protecting against “aesthetically objectionable conditions.” Eventual adoption of numeric criteria for nutrients, turbidity, and/or siltation will increase the number of impaired waterbodies on Iowa’s future lists of impaired waters.

**Perspective on the meaning of “impairment”:** Most of the impairments on Iowa’s draft list of impaired waters do not indicate severely or grossly polluted conditions. Often, the difference between assessing a waterbody as “impaired” can come down to one of 36 monthly samples or the absence of a few key aquatic species in a stream. Waters assessed as “impaired” for aquatic life uses often continue to support a moderately diverse aquatic community. Similarly, high levels of indicator bacteria certainly suggest “impairment” and potential risks to persons that use rivers and lakes for swimming, but reports of waterborne illness related to this use have historically been, and continue to be, extremely rare. Severe water quality problems, although

fortunately rare, do continue to occur in Iowa. The following list, organized in no particular order, presents examples of specific waterbodies, and general types of waterbodies, with more severe water quality problems than most of the waterbodies on Iowa list of impaired waters:

- Rock Creek, Clinton Co. high levels of ammonia former industry
- Mississippi River, downstream from Clinton: bacterial slime industry
- Volga River, Clayton County indicator bacteria; source unknown
- Cedar Lake, Cedar Rapids: chlordanes in fish; source unknown
- Ottumwa Lagoon, Ottumwa: chlordanes in fish; source unknown
- Raccoon River, Polk County: high levels of nitrate impacting drinking water use
- Cedar River, Cedar Rapids: high levels of nitrate impacting drinking water use
- Chariton River, downstream from Chariton, Lucas Co.: low levels of dissolved oxygen
- High levels of atrazine in water supply reservoirs (e.g., Walton Reservoir, W. Lake Osceola, Lower Centerville Reservoir, and Home Pond)
- Shallow lakes statewide: degraded water quality due to suspended algae & turbid water caused by internal recycling & mixing of nutrients and sediment
- Decline / decimation of freshwater mussels in Iowa's streams and rivers
- Alterations to Iowa's stream and river channels (=hydrology) that leads to negative impacts on aquatic habitats, increased rates of siltation, and higher levels of nutrients.
- Exotic (non-native) animal species (e.g, common carp and their adverse impacts on water clarity)
- Exotic (non-native) plant species (e.g., purple loosestrife and its impacts on wetland quality)
- Large populations of bluegreen algae (=cyanobacteria) and potential for toxic conditions
- Fish kills caused by introduction (intentional or accidental) of animal waste to Iowa streams
- High levels of indicator bacteria (*E. coli*) in most rivers and some lakes

### **The Integrated Report Format**

As specified in U.S. EPA's guidelines for the 2004 water quality reporting and listing cycle (U.S. EPA 2003), the integrated report is a five-part list:

Category 1:	All designated uses are met
Category 2:	Some of the designated uses are met, but there are insufficient data to determine if the remaining designated uses are met.
Category 3:	Insufficient data to determine whether any designated uses are met.
Category 4:	Waterbody is impaired or threatened but a TMDL is not needed.
Category 5:	Waterbody is impaired or threatened and a TMDL is needed.

In their guidance to states for the 2004 reporting cycle, U.S. EPA added the following subcategories:

*4a: all TMDLs need to result in attainment of all applicable water quality standards have been approved or established by EPA.*

*4b. other required control measures are expected to result in the attainment of water quality standards in a reasonable period of time;*

*4c: the impairment or threat is not caused by a pollutant.*

The U.S. EPA guidelines allow states to create additional subcategories in order to refine the reporting process. In order to better track the attainment status of Iowa waterbodies, the following subcategories were created by IDNR:

Category 2b: At least one use is met with at least one other use potentially impaired based on an "evaluated" assessment.

Category 3b: Insufficient data to determine whether any designated uses are met but at least one use is potentially impaired based on an "evaluated" assessment.

Category 4d: Waterbody assessed as "impaired" due to a fish kill where enforcement action was taken to address the source of the kill: no TMDL required.

Category 5b: Impairment is based on results of biological monitoring or a fish kill investigation where specific causes and/or sources of the impairment have not yet been identified.

### **Iowa's List of Waters in Need of Further Investigation:**

The list of waters in need of further investigation (WINOFI), as required by Iowa's "credible data law", will be comprised of those waterbodies assessed (evaluated) as "impaired" in subcategories 2b and 3b. As stated in the rationales for subcategories 2b and 3b above, the assessments of any impairments in these waterbodies are based on less than complete information; thus, the assessment is of relatively low confidence and is not appropriate for addition to Category 4 or Category 5. Iowa's updated (2004) list of waters in need of further investigation contains 111 waterbodies (23 waterbodies in Category 2b and 88 waterbodies in Category 3b). Of the 170 waterbodies on the 2002 WINOFI list, a total of 105 waterbodies were moved to other categories of the integrated report (Table 4).

Table 1. Summary of the number of waterbodies in each Category of Iowa's 2004 integrated Section 305(b) / Section 303(d) report. Categories 5a and 5b comprise Iowa's 2004 Section 303(d) list; Categories 2b and 3b comprise Iowa's list of waters in need of further investigation.		
<b>Integrated Report Category</b>	<b>Category Description</b>	<b>Number of Waterbodies</b>
1	all designated uses met	230
2a	some designated uses met; insufficient data to determine whether other uses are met	261
2b	at least one designated use is met with at least one other use potentially impaired based on an "evaluated" assessment.	23
3a	insufficient data to determine whether any designated uses are met.	11*
3b	insufficient data to determine whether any designated uses are met but at least one use is potentially impaired based on an "evaluated" assessment.	85
4a	all TMDLs need to result in attainment of all applicable water quality standards have been approved or established by EPA.	27
4b	other required control measures are expected to result in the attainment of water quality standards in a reasonable period of time	0

4c	the impairment or threat is not caused by a pollutant	28
4d	waterbody assessed as "impaired" due to a fish kill where enforcement action was taken to address the source of the kill: no TMDL required	37
5a	waterbody is impaired or threatened and a TMDL is needed	117**
5b	impairment is based on results of biological monitoring or a fish kill investigation where specific causes and/or sources of the impairment have not yet been identified.	94***
<b>Total Number of Waterbodies Assessed:</b>		<b>913</b>
* In addition to these eleven waterbodies, all the "unassessed" waterbodies in the IDNR assessment database (=1000 waterbodies or waterbody segments) database qualify for Category 3a.		
** Includes seven waterbodies that are also in Category 5b, one waterbody that is also in Category 4a, and one waterbody that is also in Category 4c.		
*** Does not include the seven waterbodies that are also in Category 5a.		

Table 2. Summary of waterbody types assessed as "impaired" for Iowa's 2004 305(b)/303(d) cycle by type of waterbody and placed in Category 5a (pollutant cause identified) or Category 5b (impairment based on results of biological monitoring; cause of impairment not known).					
<b>Waterbody Type</b>	<b>Category 5a</b>	<b>Category 5b</b>	<b>Total No. of waterbodies in Category 5 (=303(d) list):</b>	<b>Total Number of Waterbodies Assessed</b>	<b>Percent of Total Waterbodies Assessed as impaired</b>
Streams and Rivers	67	101	168	637	26%
Lakes	47	0	47	147	32%
Flood Control Reservoirs	1	0	1	4	25%
Wetlands	2	0	2	125	1.6%

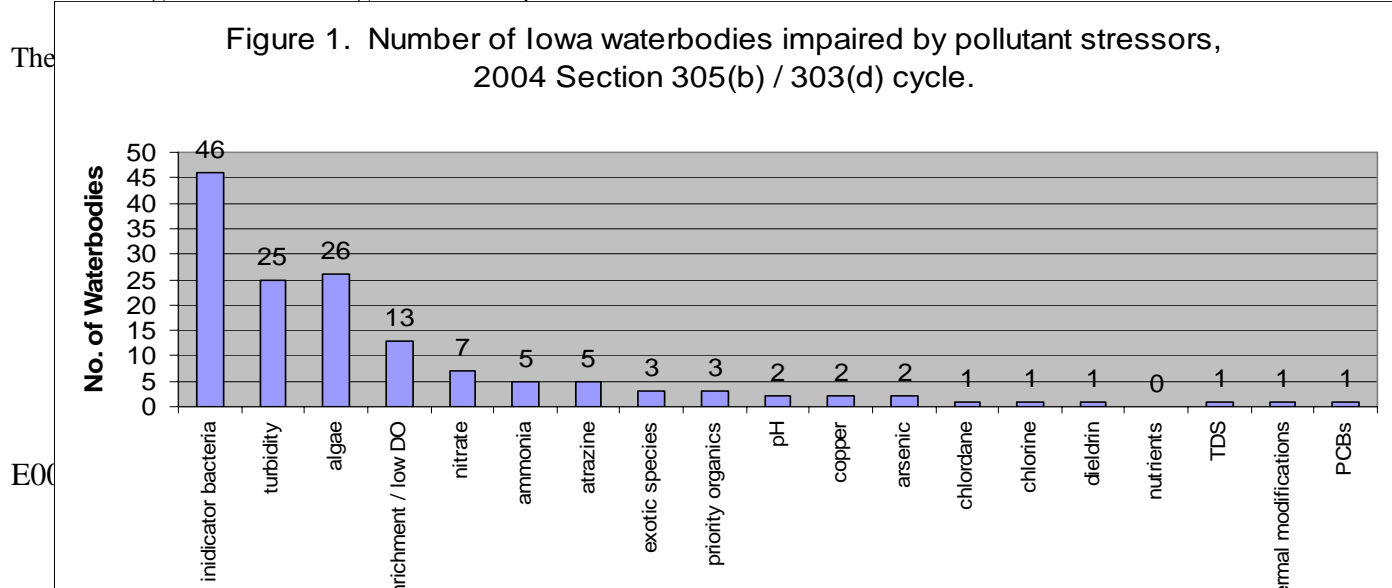
Table 3. Summary of beneficial uses of waterbodies on Iowa's 2004 Section 303(d) list of impaired waters (Category 5 of the Integrated Report). Waterbodies placed in Category 5a are impaired by a known pollutant; the cause or sources of impairment is not yet known for waterbodies placed in Category 5b.			
<b>Beneficial Use impaired</b>	<b>Category 5a</b>	<b>Category 5b</b>	<b>Totals:</b>
Class A (primary contact recreation)	104	0	104
Class B (aquatic life)	28	99	127
Class C (drinking water)	15	0	15
Fish consumption	2	0	2
general use only	7	7	14
<b>TOTALS</b>	<b>156</b>	<b>106</b>	<b>262</b>

Table 4. Placement of the 170 waterbodies on Iowa's 2002 list of waters in need of further investigation into the 2004 Integrated Report categories. Categories 5a and 5b comprise Iowa's 2004 Section 303(d) list; Categories 2b and 3b comprise Iowa's list of waters in need of further investigation.

Integrated Report Category	Category Description	Number of Waterbodies
1	all designated uses met	5
2a	some designated uses met; insufficient data to determine whether other uses are met	2
2b	<b>at least one designated use is met with at least one other use potentially impaired based on an "evaluated" assessment.</b>	<b>8</b>
3a	insufficient data to determine whether any designated uses are met.	9
3b	<b>insufficient data to determine whether any designated uses are met but at least one use is potentially impaired based on an "evaluated" assessment.</b>	<b>57</b>
4a	all TMDLs need to result in attainment of all applicable water quality standards have been approved or established by EPA.	2
4b	other required control measures are expected to result in the attainment of water quality standards in a reasonable period of time	0
4c	the impairment or threat is not caused by a pollutant	7
4d	waterbody assessed as "impaired" due to a fish kill where enforcement action was taken to address the source of the kill: no TMDL required	28
5a	waterbody is impaired or threatened and a TMDL is needed	22
5b	impairment is based on results of biological monitoring or a fish kill investigation where specific causes and/or sources of the impairment have not yet been identified.	28
	<b>Total Number of Waterbodies:</b>	<b>170</b>

A list of Impaired waterbodies in the state of Iowa can be located at the DNR's website: [www.iowadnr.com](http://www.iowadnr.com).

John Olson gave the following PowerPoint presentation:



### The Integrated Reporting Format

- Historically, the state Section 305(b) WQ report and Section 303(d) impaired water list were separate items.
- The “Integrated Report” was first proposed by U.S. EPA for the 2002 reporting/listing cycle
- IR format is being used by most states for the 2004 cycle
- Is composed of five categories
  - Integrated Report Categories
 

Each assessed waterbody is place into one of the following categories:

    1. All designated uses met.
    2. Some designated uses met; insufficient information to determine whether other uses are met.
    3. Insufficient information to determine whether any uses are met
    4. Waterbody is impaired but a TMDL is not needed
    5. Waterbody is impaired and a TMDL is needed (=the state list of impaired waters)

### Summary of Iowa’s DRAFT 2004 Integrated Report

Category	Description	No. of waterbodies
1	All designated uses are met	230
2	Some designated uses met; insufficient information to determine whether other uses are met	284
3	Insufficient information to determine whether any uses are met	99*
4	Waterbody is impaired but a TMDL is not needed**	89
5	Waterbody is impaired and a TMDL is needed (=the state list of impaired waters)	211

\*Category 3 also include all waterbodies not assessed.

\*\*EPA has given the criteria on what impaired waterbody does need a TMDL.

### Overview of Section 305(b) Reporting & Section 303(d) (impaired waters) listing

- Unit of assessment is the “waterbody”
- For each waterbody, summarize WQ monitoring data for the assessment period (3 years)
- Identify magnitude & frequency of violations of WQ standards
- Determine the degree to which each waterbody meets its state WQ standards
- Determine causes & potential sources of impairment
- Identify which waterbodies are appropriate for the state (Section 303(d)) list of impaired waters.

### Sources of Water Quality Data

- Ambient WQ monitoring networks:
  - Iowa DNR (~80 stations)

- AC OE (Saylorville, Red Rock, Coralville)
- Iowa DNR/UHL biological monitoring
- Iowa DNR/ISU lake WQ studies (132 lakes)
- Iowa DNR beach monitoring (35 state beaches)
- Special WQ projects (e.g. NAWQA)
- Ambient WQ monitoring data from adjacent states
- Fish contaminant monitoring (20 stations)
- Reports of fish kills
- Municipal water supplies (Des Moines & Cedar Rapids)
- IDNR/ISU lake diagnostic feasibility studies
- Waterbody-specific studies (e.g. Walnut Cr. in Jasper Co., College Cr., Ames, Sny Magill/Bloody Run, Clayton Co.)
- “Best professional judgment” of DNR staff
- Volunteer monitoring? (not yet)

#### Comparing WQ data to WQ Standards

- Water quality data for each monitoring station is summarized for a 3-year period
- Data summaries are compared to the WQS to determine violations for each relevant water quality parameter

#### Determine Levels of Use Support

- For each waterbody with sufficient quantity and quality of data, use U.S. EPA or state guidelines to determine the degree to which the individual beneficial uses are supported:
  - Fully supported (excellent)
  - Fully supported/threatened (good)
- “IMPAIRED” & candidates for 303(d) list:
  - Fully supported/threatened (declining)
  - Partially supported (fair)
  - Not supported (poor)

#### Identify Causes & Potential Sources of Impairments

- Causes: the pollutant or stressor (e.g., ammonia; siltation, habitat alterations)
- Sources: process or activity likely (potentially) producing the pollutant or stressor (e.g., wastewater treatment plants; agricultural nonpoint sources)

#### 303(d) List Summaries

- 2002 Final 303(d) list
  - 205 waters
  - 286 impairments
- 71 waters removed
- 136 waters added
  - Impairments
    - Biological
    - Habitat Alterations



- Indicator Bacteria
  - Algae and Turbidity
- 2004 Draft 303(d) list
  - 211 waters
  - 262 Impairments
- 35 waters removed
- 41 waters added
  - Impairments
    - Biological (incl. Habitat Alterations)
    - Algae and Turbidity
    - Indicator Bacteria

#### Commonly-Identified Potential Sources of Impairment

- Rivers and Streams:
  - Hydrological modifications (e.g. stream channelization)
  - Habitat modifications (e.g., removal of riparian vegetation)
  - Agriculture (including crop-related, grazing-related, & AFO-related sources)
  - Unknown sources (primarily from biological assessments)
- Lakes
  - Internal nutrient recycling & sediment resuspension (primarily a problem of shallow lakes)
  - Agriculture
  - Unknown sources (primarily for bacteria-related impairments)

#### Positives

- Currently, more water quality monitoring than ever before
- More types of monitoring than ever before
  - Chemical, biological, bacteriological
- Improvements in assessment methodologies
  - E.g., for biological impairments
- These result in more accurate assessments

#### Limitations to Identifying Impairments

- The list is only as inclusive as the monitoring networks
- Iowa does not have numeric WQ criteria for important nonpoint-source pollutants:
  - Nutrients (phosphorus & nitrogen)
    - Criteria being developed in cooperation with EPA
  - Sediment/siltation
- Lack methods for assessing wetlands

#### Impaired Waters Schedule

- Accept Public Comments now until April 1
  - Prepare Responsiveness Summary
  - Revise List in response to comments
- Submit to EPA for approval

For more information:

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Iowa DNR's 305(b) website:  
<http://www.iowadnr.com/water/tmdlwqa/index.html>

Iowa 303(d) Impaired Waters List website:  
<http://iowadnr.com/water/tmdlwqa/303d.html>

### **PROPOSED CONTESTED CASE DECISION – WILLIAM HABHAB**

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

On March 21, 2002, the department issued Administrative Order No. 2002-SW-04 to William Habhab. The order was issued due to illegal open dumping at a property owned by Mr. Habhab in Fort Dodge. The order required Mr. Habhab to clean up the property and pay a penalty of \$1,500. That action was appealed by William Habhab. After the issuance of the order, the City of Fort Dodge obtained a federal brownfield redevelopment grant. The grant was used, in part, to purchase and clean up the Habhab property. Due to the actions of Fort Dodge and the use of public funds, the only issue remaining in this case is the payment of the \$1,500 penalty. A hearing on this matter was held on November 1, 2004. Mr. Habhab did not appear. The department presented evidence at the hearing.

A Proposed Decision was issued on November 9, 2004. The Proposed Decision upholds Administrative Order No. 2002-SW-04, including the assessment of an administrative penalty in the amount of \$1,500.

The Appellant has not appealed this Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of the Proposed Decision, it automatically becomes the final decision of the agency.

<b>NO ACTION TAKEN</b>
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## REFERRALS TO THE ATTORNEY GENERAL

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- Gary W. Stake (Williamsburg) – Wastewater

The Department seeks collection of administrative penalties totaling \$3,000.00 on two separate administrative orders, plus interest at 1.5% per month.

The first administrative order (\$1,000.00) was issued in February 2004 for failure to submit monthly waste water monitoring reports. The order was appealed, a default order was issued against the facility owner for failure to file the petition required by Department rules. A motion to reinstate the appeal was filed on behalf of the facility owner but was denied by the administrative law judge by an order issued on October 12, 2004. The penalty was due by December 15, 2004.

The second administrative order (\$2,000.00) was issued in July, 2004 due to continued failure to submit monthly operation reports. No appeal was filed concerning the second order. The penalty was due on September 20, 2004.

*Motion was made by Terry Townsend to refer this item to the Attorney General's office. Seconded by Heidi Vittetoe. Motion carried unanimously.*

<b>REFERRED</b>
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## MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report

4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT**

February, 2005

PROSPAL	NOTICE TO COMMI SSION	NOTICE PUBLIS HED	ARC #	RULES REVIEW COMMITTEE	HEARING	COMME NT PERIOD	FINAL SUMMARY TO COMMISSION	RULES ADOPT	RULES PUBLIS H	A R C #	RULES REVIEW COMMITTEE	RULES EFFECT
1. Ch. 20, 21, 22, 23 & 25 – AQ Program Rules; Updates, Revisions and Additions	2/21/05	*3/16/05		*4/05/05			*5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
2. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	2/16/04		*3/02/05	3/18, 23/05	3/25/05	*4/18/05	*4/18/05	*5/11/05		*6/06/05	*6/15/05
3. Ch. 22 – Special Requirements for Visibility Protection; Best Available Retrofit Technology (BART)	11/15/04	12/08/04	3871B	1/04/05	1/14/05	1/14/05	2/21/05	*2/21/05	*3/16/05		*4/05/05	*4/20/05
4. Ch. 23 – Controlled Burning of Demolished Buildings	11/15/04	12/08/04	3872B	1/04/05	1/10/05	1/17/05	2/21/05	*2/21/05	*3/16/05		*4/05/05	*4/20/05
5. Ch. 53 – Protected Water Source	1/18/05	2/16/05		*3/02/05	*3/10/05	*3/17/05	*3/17/05	*3/17/05	*4/13/05		*5/09/05	*5/18/05
6. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	10/13/04	3736B	11/09/04	11/05/04	11/05/04	*3/17/05	*3/17/05	*4/13/05		*5/09/05	*5/18/05
7. Ch. 65 – Definitions, Construction Permit Requirements, Master Matrix, Groundwater Determination	9/20/04	10/13/04	3735B	11/09/04	11/08/04	11/08/04	*3/17/05	*3/17/05	*4/13/05		*5/09/05	*5/18/05
8. Ch. 65 – Open Feedlots – Engineering Standards	11/15/04	12/08/04	3873B	*1/04/05	*1/04/05 *1/05/05 *1/07/05	*2/21/05	*3/17/05	*3/17/05	*4/13/05		*5/09/05	*5/18/04
9. Ch. 65 – MMP Content Requirements; Phosphorous Index	10/18/04	11/10/04	3807B	12/14/04	12/03/04	12/03/04	1/18/05	1/18/05	2/16/05		*3/02/05	*3/25/05

10. Ch. 101 - Solid Waste Comprehensive Planning Requirements	2/21/05	*3/16/05		*4/05/05	*4/06/05	*4/06/05	*5/16/05	*5/16/05	*6/08/05	*7/05/05	*7/15/05
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## Monthly Variance Report

January, 2005

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Clay Regional Water	Water Supply	Clay Regional Water	Day tank storage	Approved	01/06/05
2	The Dial Corporation	Water Supply	Howard R. Green	Separation distance for proposed well to existing aeration lagoon	Approved	01/14/05
3	Derby	Wastewater Construction	McClure Engineering Co.	From 3 cell to two cell lagoon	Approved	01/14/05
4	Derby	Wastewater Construction	McClure Engineering Co.	From 8" to 6" sewer	Approved	01/14/05
5	Derby	Wastewater Construction	McClure Engineering Co.	From inter-cell control structure to draw-off from primary cell to secondary cell	Approved	01/14/05
6	Scranton	Wastewater Construction	Fox Engineering	Inlet structure & pump directly to aerated ponds.	Denied	01/04/05
7	Tyson Fresh Meats Inc. Columbus Jct.	Water Supply	Tyson Fresh Meats, Inc. Dakota Dunes, SD	Chlorine residual in phosphate tank	Approved	01/12/05
8	Muscatine Power & Water	Air Quality		Alternative fuel burn using Tire Derived Fuel & sub-bituminous coal	Approved	01/18/05
9	Willow Stream Estates HOA	Water Supply	Missman Stanley & Assoc. PC	Legal control & separation distance	Approved	01/07/05

10	Lehigh Cement Landfill	Energy & Waste Mgmt	Barr Engineering Co	From 3-downgradient water wells to two-downgradient wells	Denied	01/14/05
11	Lehigh Cement Landfill	Energy & Waste Mgmt	Barr Engineering Co	Water monitoring well be measured monthly	Approved	01/14/05
12	The Dial Corporation	Water Supply	Howard R. Green	Withdrawing water from Mississippi River alluvium	Approved	01/14/05
13	City of Jolley	Water Supply	MER Engineering Inc.	Non-ASME pressure tanks	Approved	01/05/05
14	Oak Lake Maintenance Inc	Water Supply	Kuehl & Payer Ltd	Separation distance & storage tank requirements	Approved	12/03/04
15	Tri-State Community Church	Water Supply	IIW Engineer & Surveyors PC	Storage Tank Requirements	Approved	01/05/05
16	Palmer	Wastewater Construction	McClure Engineering Co.	From 3-cell to two-cell lagoon	Approved	01/05/05
17	Palmer	Wastewater Construction	McClure Engineering Co.	From inter-cell control structure to two-level draw-off piping & buried valves	Approved	01/05/05

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions**

During the period January 1, 2005, through January 31, 2005, 55 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

<b>Substance</b>		<b>Mode</b>								
Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	55 (44)	6 (7)	33 (25)	16 (12)	19 (9)	26 (32)	1 (2)	1 (0)	1 (1)	7 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	233 (238)	30 (37)	129 (141)	73 (60)	76 (71)	116 (139)	7 (5)	7 (2)	1 (6)	26 (15)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

\*Other includes dumping, theft, vandalism and unknown

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
9	9	6	5	10	16

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases**

During the period January 1, 2005, through January 31, 2005, 0 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	26 (18)	2 (0)	12 (7)	7 (4)	0 (0)	21 (15)	4 (0)	0 (1)	1 (0)	3 (1)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

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<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	0	0	0	0

**DATE:** February 1, 2005

**TO:** EPC

**FROM:** Ed Tormey

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Irwin, City of (4)	Wastewater	Construction Deficiencies	Consent Order	1/06/05
Blaine Schultz, Clayton Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	1/06/05
Fred Schoolcraft, Hancock Co. (2)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Stormwater – Operation Without Permit	Order/Penalty \$6,500	1/10/05
Roger Escher, Washington Co. (6)	Solid Waste	Illegal Disposal	Consent Amendment	1/28/05

**IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU**

**DATE:** February 1, 2005

**TO:** Environmental Protection Commission

**FROM:** Ed Tormey

**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01



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Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
William Hennessey (Linn Co.)	SW	2,000	5-07-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
*#Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	5,000	6-15-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
# Steve Grettenberg (Webster Co.)	AFO	1,000	7-09-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	2,000	9-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04

#*James Boller (Kalona)	AFO	4,750	11-30-03
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
#*James Boller (Kalona)	AFO	4,750	8-17-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	2,610	8-25-04
The Filling Station (Glenwood)	WS	1,500	9-06-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,000	9-11-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Dennis Gailey (Moorland)	AQ/SW	7,600	9-18-04
Crest Country Inn (Iowa Co.) No. 2	WW	2,000	9-21-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500	10-01-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
# Richard Beelner; Beelner 1 (Plymouth Co.)	AFO	3,000	10-19-04
# Richard Beelner; Beelner 2 (Plymouth Co.)	AFO	3,000	10-19-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Del DeWulf (Cedar Co.)	AFO	1,500	11-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
# John C. Kelso (Worth Co.)	AFO	1,300	11-29-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
Crest Country Inn (Iowa Co.) No. 1	WW	1,000	12-11-04
# Kollasch Land & Livestock (Palo Alto Co.)	AFO	1,500	12-14-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
#*Dennis VanDerWeide (Sioux Co.)	AFO	2,000	1-01-05
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
#*Miles McDougall (Plymouth Co.)	AFO	1,250	1-04-05
# Koenen Dairy Inc.; Greg Koenen (Sioux Co.)	AFO	1,500	1-04-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
#*Gary DeBoer; G & S Farms (Lyon Co.)	AFO	500	6-01-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-04
# Craig Faber (Lyon Co.)	AFO	1,500	2-25-05
# Tom Erickson (Clayton Co.)	AFO	3,000	2-27-05
James Karthan (Clarke Co.)	AQ	1,000	3-15-05
# Rick Nikkel (Jasper Co.)	AFO	3,000	3-20-05
# Blaine Schultz (Clayton Co.)	AFO	3,000	3-20-05
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Country Fresh Eggs; Iowa Ag Excavating (Wright Co.) SEP	WW	1,500	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	-----
Kountry School LLC (Elkader)	WS	1,500	-----
Tyson Fresh Meats, Inc. (Storm Lake) SEP	WW	6,000	-----
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	-----
Pasco Storage Unlimited, Inc. (Stuart)	AQ/SW	1,000	-----
# Rick Halma (Lyon Co.)	AFO	3,000	-----

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Randy Griffin (Jasper Co.)	AQ/SW	5,000	-----
Delores Van Ohlen Trust (Hamilton Co.)	AQ/SW	3,000	-----
# Curt Tracy (Union Co.)	AFO	750	-----
Honey Creek Campground (Pottawattamie Co.)	WW	1,000	-----
Roquette America, Inc. (Keokuk)	WW	10,000	-----
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112	-----
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000	-----
Fred Schoolcraft (Hancock Co.)	AQ/SW/WW	6,500	-----
<b>TOTAL</b>		<b>486,048</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02

Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
<b>TOTAL</b>		<b>223,389</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons Roger Eblen; Eblen Develop.; Duane Menke;	AFO/RWA	5,000

(Whispering Woods – Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
Denzel Edwards (Cass Co.)	AQ/SW/HC	6,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	13,500
Lake Place (Clarion)	WS	500
Sunny Brae Golf & Country Club (Osage)	WS	650
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Steve Grettenberg; Grettenberg Finisher (Webster Co.)	AFO	500
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	5,000
# Allen Hooper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Richard Juhl (Cass Co.)	AQ/SW	4,700
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Racer's Bar and Grill (Algona)	WS	1,000

Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Chad Kooima (Sioux Co.)	AFO	1,500
Dr. Ed Cook (Cherokee Co.)	AQ	3,000
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	10,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# Gary Wedewer (Delaware Co.)	AFO	3,750
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# Brad Dirksen (Plymouth Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
# P & W Egg Company, LC (Cass Co.)	AFO	3,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
Jerry Bravard (Boone)	WW	4,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Garlen E. Perry; Paul ad Percilla Lattin (Shenandoah)	AQ/SW	8,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Acme Fuel & Material Co. (Muscatine)	AQ	7,000

Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
Oak Hill Marina, Inc. (Arnolds Park)	AQ/SW	10,000
# David Kistenmacher; Holstein Dairy (Holstein)	AFO	2,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500
Henry Well Co. (Oakland)	AQ	1,000
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
# Oakdale Pullets Farms (Buena Vista Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Jerome Loutsch (Plymouth Co.)	AQ	1,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427
O-C Trailers, Inc. (Sioux Co.)	AQ/SW	2,000
<b>TOTAL</b>		<b>761,597</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT	
#*Miles McDougall (Plymouth Co.)	AFO	125	1-04-05
# Dean Mangrich (Bremer Co.)	AFO	1,500	1-14-05
# Kay Finsher; Todd Kay (Buena Vista Co.)	AFO	828	6-16-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	500	9-30-04
Guthrie Co. Rural Elec.; Lake Panorama Assoc.;			
Progressive Development, Inc.(Guthrie Co.	AQ	500	2-27-05
# Marty McDermott (Clinton Co.)	AFO	750	
Roger Escher (Washington Co.)	SW	250	
* Country Terrace Mobile Home Park (Ames)	WW	110	1-13-05
# Alan Thomann (Washington Co.)	AFO	3,000	
#*Gary DeBoer; G & S Farms (Lyon Co.)	AFO	500	6-01-05
CDI, LLC (Forest City)	AQ	8,000	-----
<b>TOTAL</b>		<b>16,063</b>	

## Attorney General Referrals

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Brewer, Cash Cherokee Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report Release	Order/Penalty	Referred	8/20/04
Buringrud, Mark fdbba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 3/15/05
Carlson, Emer Henry Co. (6)	Air Quality	Open Burning	Order/Penalty	Referred	8/16/04
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Consent Decree (\$5,000/Civil; \$3,000/Admin./ Permanent Injunction)	10/21/02 3/17/04 9/27/04 11/08/04
Ellis, Trent Calhoun Co. (3)	Solid Waste Air Quality Animal Feeding Operation	Illegal Disposal; Open Burning; Prohibited Discharge – Confinement	Order/Penalty	Referred	8/16/04
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 5/11/05
Hoffman, Matt Plymouth Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred	8/16/04
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Hearing Date Partial Summary Judgment for Department Consent Decree (Jolin \$2,500/Civil; 5,700/Admin; Kolbold \$1,000/Admin.	3/17/03 12/29/03 3/22/04 6/07/04 7/18/04 10/29/04
Kay, Todd	Animal Feeding	Failure to Update Plan	Order/Penalty	Referred	8/16/04



## Environmental Protection Commission Minutes

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Buena Vista Co. (3)	Operation				Motion for Judgment Admin. Penalty Received (\$828.77) Movant's Dismissal	12/06/04 12/27/04 12/29/04
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred		11/18/02
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred		8/16/04
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred Motion for Judgment Hearing Date Order Granting Judgment (Admin. Penalties \$12,183 (2 AO's))		1/21/03 4/12/04 10/26/04
McNear, Wilbur d/b/a McNear Oil Co. Onawa (4)	Underground Tank	UST Deficiencies	System Order/Penalty	Referred Order Granting Judgment (\$5,930/Admin)		8/20/04 1/08/05
Mobile World LC Camanche (6)	Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred		8/16/04
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal		8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date		12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00

				Partial Judgment (Clean-up Order)	12/12/02
				Contempt Application	2/20/03
				Contempt Hearing Date	2/20/03
				Contempt Finding and Civil Penalty	7/09/03
				(\$100,000 and 30 Days in Jail –	8/01/03
				Suspended until 7/8/03)	8/01/03
				Hearing Regarding Contempt Order	8/20/03
				Regarding	9/18/03
				Bond/Cleanup	4/16/04
				Deadline	12/10/04
				Bond Posted	
				State Objections to Bond	
				Ruling Denying Objections to Bond	
				Status Hearing Date	
				Hearing on Motion to Extend Cleanup	
				Deadline	
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Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
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Roquette America Keokuk <b>UPDATED</b>	(6) Air Quality	DNR Defendant	Defense	Petition Filed	8/28/03
				DNR's Answer	9/11/03
				DNR's Resistance to	
				Temporary	9/11/03
				Injunction	9/11/03
				Hearing on Temporary	9/29/03
				Injunction	9/30/03
				DNR's Brief in Resistance	1/14/04
				Roquette's Brief	1/06/05
				Ruling on Temporary	10/24/05
				Injunction	
				Trial Scheduling Conference	
				Trial Date	
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Schelling, Carl Sioux Co. <b>UPDATED</b>	(3) Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	10/18/04
				Petition Filed	1/27/05
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Schlag, Dana d/b/a Plantation Village Home Park Burlington (6)	Mobile Drinking Water	MCL; Public Notice Monitoring/Reporting – Radioactivity	Order/Penalty	Referred	7/21/03
				Case Closed	10/04/04
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Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred	6/20/97
				Court Order	12/09/98
				Re-Referred	11/21/02
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Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred	7/21/03
				Criminal Charge in Federal	2/04
				Court	4/07/04
				Grand Jury Indictment	
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# Environmental Protection Commission Minutes

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Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
Snoody, Pat Honey Creek Campground Crescent (4)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate; Public Notice	Order/Penalty	Referred Order Granting Judgment (\$1,000/Admin.)	10/20/03 11/08/04
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss	12/06/04 1/10/05
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Permit; Prevention Violations	Without Pollution Plan Order/Penalty	Referred Case Closed Admin. Penalty; Interest Paid (\$2,720)	2/17/03 11/19/04 12/10/04
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh UST#8606990 Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel) Order Granting Motion to Compel Order Granting Motion to Compel	3/17/03 11/07/03 1/20/04 1/22/04 5/28/04 6/14/04 6/21/04
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel Order Granting Motion to Compel	10/21/02 11/07/03 1/20/04 3/16/04 5/28/04 6/29/04

## Contested Case

4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>Consent order sent to City for review and mayor's signature.</b>

						<p>12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit. 8/04 – To be set for hearing since no settlement achieved. 9/1/04 – FO4 letter to City regarding status of construction to meet schedule in construction permit. Set for hearing for 12/16/04. Tentative agreement reached with City on terms of NPDES permit to be issued to resolve appeal. 11/04/04 – Settled. Final terms of draft NPDES permit agreed upon between City and Dept. Draft permit sent to City to be put on public notice. 11/10/04 – City placed draft NPDES permit on public notice. Hearing continued to 2/04/05. Once final permit is issued appeal can be closed.</p>
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Admin. Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating

						penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	<b>1/04- Letter to City attorney regarding compliance status. 3/29/04 – Proposed ordinance received regarding enforcement of pretreatment program from City's engineer. 4/1/04 – SEP proposal received from City. Meeting held 4/02/04 to discuss settlement. 5/04 – Further information received from City attorney. 1/05 – Tentative agreement reached on settlement.</b>
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to

						MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKN monitoring requirements.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	<b>Order upheld by ALJ 11/09/04.</b>
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/W	Tack	9/03/04 – Onsite meeting

				W		resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	<b>Hearing set for 3/21/05.</b>
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	AQ/SW	Tack	<b>All tires have been removed. F.O. to do final inspection.</b>
10/02/02	Sioux City, City of	3	<b>Permit Conditions</b>	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	<b>Order/Penalty</b>	AFO	Tack	9/30/04 – Proposed settlement agreement sent.
<b>2/05/03</b>	<b>Landfill of Des Moines, Inc.</b>	<b>5</b>	Order/Penalty	SW	<b>Tack</b>	<b>Compliance achieved. Appeal dismissed. Case closed.</b>
2/10/03	Doug Osweiler	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	4/29/04 – Settlement invitation letter sent.

3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	<b>Order/Penalty</b>	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	<b>Order/Penalty</b>	AQ/SW	Tack	Partial site clean-up completed. Hearing set for 11/19/04.
8/12/03	Southern Waste Handling, Inc.	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	<b>Variance Denial</b>	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	<b>Order/Penalty</b>	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status.
9/02/03	Kent Kiburz	2	<b>Order/Penalty</b>	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	<b>Order/Penalty</b>	UT	Wornson	Compliance on non-penalty terms completed. Prepare penalty settlement.
9/05/03	Strawberry Point, City of	1	<b>Order/Penalty</b>	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved. SEP proposed.



10/06/03	Dennis Bandstra d/b/a Big Dutch	3	<b>Order/Penalty</b>	AQ	Book	Consent amendment final. Payment plan on schedule.
10/08/03	TEGH, Inc. (03-UT-15)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	<b>Amended Order</b>	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	<b>Order/Penalty</b>	AQ/SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	<b>Order/Penalty</b>	UT	Wornson	Settlement agreement sent 3/2/04.
12/15/03	AGP (Emmetsburg)	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	<b>Order/Penalty</b>	WW	Preziosi *	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/22/04	Van Veldhuizen Dairy	3	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment final. Payment plan on schedule.
1/22/04	Nestle Purina Pet Care	1	<b>Permit Conditions</b>	AQ	Book	Being handled by AQ management.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	<b>Order/Penalty</b>	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	<b>Order/Penalty</b>	WS/W W	Clark*	Meeting held 4/07/04.

2/18/04	Larry Johnson; Denzel Edwards	4	<b>Order/Penalty</b>	AQ/SW /HC	Tack	<b>Hearing set for 2/28/05.</b>
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		<b>Order/Penalty</b>	UT	Wornson	<b>Sent letter with settlement deadline 2/14/05.</b>
3/01/04	Shenandoah, City of	4	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
3/04/04	Tim Trostel	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	<b>Order/Penalty</b>	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
3/16/04	Axtell Finishers; James Axtell	2	<b>Order/Penalty</b>	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/23/04	Michael and Keri Sickles	4	<b>Order/Penalty</b>	SW	Tack	Clean-up completed. \$750 settlement offer sent 6/29/04.
3/24/04	Lake Place	2	<b>Order/Penalty</b>	WS	Book	Unable to locate owner. Will continue to look.
4/02/04	Sunny Brae Golf and Country Club	2	<b>Order/Penalty</b>	WS	Tack	Compliance review continuing. Penalty will be forgiven upon receipt of clean 3 <sup>rd</sup> quarter bacteria test results.
4/02/04	LeMars, City of	3	<b>Order/Penalty</b>	WW	Hansen	<b>4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.</b>
4/08/04	Silver Creek Feeders	4	<b>Permit Conditions</b>	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	<b>Order/Penalty</b>	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	<b>Order/Penalty</b>	AQ/SW	Book	6/25/04 – Default entered.
4/19/04	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	<b>Order/Penalty</b>	AFO	Book	ALJ confirmed order with full penalty.
5/03/04	Steven Grettenberg	2	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment with

						producer for signature.
5/04/04	West Central Cooperative	4	<b>Permit Denial</b>	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/11/04	Williams Brothers Garage	4	<b>Order/Penalty</b>	WW/S W/AQ	Tack	9/30/04 – Cleanup is underway.
5/12/04	Ag Processing, Inc.	3	<b>Permit Conditions</b>	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
5/13/04	Allen Hoeper	1	<b>Order/Penalty</b>	AFO	Clark	10/26/04 – Dept. considering counter offer to Hoeper's settlement offer.
5/14/04	G & S Farms; Greg DeBoer	3	<b>Order/Penalty</b>	AFO	Book	Payment schedule in place and payments on schedule.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
5/18/04	Alton, City of	3	<b>Order/Penalty</b>	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	<b>Order/Penalty</b>	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	<b>Order/Penalty</b>	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	<b>Order/Penalty</b>	WS	Book	Waiting to hear from owner on possible settlement.
6/09/04	Kevin Miller	1	<b>Operation Permit</b>	WS	Hansen	6/24/04 – FOI letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance.
<b>6/11/04</b>	<b>The Universal Assembly of Christians, Inc.; Marsha Leigh</b>	<b>4</b>	<b>Order/Penalty</b>	<b>AQ/SW</b>	<b>Tack</b>	<b>9/04 – Referred to AG. Case closed.</b>
6/11/04	University of Iowa	6	<b>NPDES Permit</b>	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	<b>Order/Penalty</b>	WS	Hansen	<b>7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by</b>

						<b>8/27/04. 11/10/04 – Full penalty paid and engineering report submitted. Tentatively resolved. Hearing re-set for 3/17/05.</b>
6/18/04	CDI – Charles City	2	<b>Title V Permit Determination</b>	AQ	Preziosi	Negotiating before filing.
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/24/04	Holly A. Brown Construction	3	<b>Order/Penalty</b>	AQ/SW	Book	Settled. Consent amendment in place. Awaiting penalty payment.
6/24/04	Jansma Cattle Co., Inc.	3	<b>Order/Penalty</b>	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/25/04	Steve Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Ellsworth Turkey, LC; Sunrise Turkey Farm	2	<b>Order/Penalty</b>	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Ellsworth Turkey, LC; South Side Turkey Farm	2	<b>Order/Penalty</b>	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Ellsworth Turkey, LC; Blue Sky Turkey Farm	2	<b>Order/Penalty</b>	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Michael Veenstra; Alan Veenstra	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
6/28/04	Marvin Bates	6	<b>Order/Penalty</b>	AQ/SW /WW	Tack	Compliance to be reviewed in 11/04.
6/29/04	Imperial Properties	5	<b>Order/Penalty</b>	UT	Wornson	<b>Sent letter with settlement deadline 2/14/05.</b>
7/16/04	Ed Cook	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
7/16/04	Dean Gettler	4	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
7/20/04	Chad Kooima	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
7/26/04	B & B Sandhill Swine	1	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/26/04	Randy Gergen	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
<b>7/27/04</b>	Roger Eschen	<b>6</b>	Order/Penalty	<b>SW</b>	<b>Tack</b>	<b>Consent order entered. Penalty paid. Case</b>

						<b>closed.</b>
7/27/04	John Hansen Farms	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/02/04	James Vermeer	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/02/04	Dennis Rowenhorst	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/06/04	Eldora, City of	1	<b>Permit Conditions</b>	WW	Hansen	Negotiating before filing.
8/17/04	Harold Dekkers	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/17/04	Gary Wedewer	1	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/19/04	F.J. Krob & Co.	1	<b>Order/Penalty</b>	HC/W W	Tack*	Negotiating before filing.
<b>8/20/04</b>	<b>Alan Thomann</b>	<b>6</b>	Order/Penalty	<b>AFO</b>	<b>Book</b>	<b>1/18/05 – Penalty paid. Appeal dismissed. Case closed.</b>
8/26/04	Jim Schmitz	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/30/04	Brad Dirksen	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/30/04	Don and Bill Adam, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/30/04	Ames, City of	5	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
9/01/04	Iowa State University	5	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
9/10/04	Tschiggfrie Excavating Co.	1	<b>Order/Penalty</b>	WW	Tack	Negotiating before filing.
9/14/04	JK Farms, Inc.	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
9/14/04	Bill Schrock	6	<b>Order/Penalty</b>	WW/S W	Tack	Negotiating before filing.
9/20/04	David Meyer	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
9/21/04	P & W Egg Co.	4	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
9/29/04	EnviroBate	4	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
10/04/04	Rose M. Bartles	4	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
10/08/04	Goose Lake, City of	6	<b>Order/Penalty</b>	WS	Hansen	Negotiating before filing.
10/12/04	Gary Hart	6	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	<b>Permit Conditions</b>	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.

10/14/04	Garlen Perry; Paula and Percilla Lattin	4	<b>Order/Penalty</b>	AQ/SW	Book	Negotiating before filing.
10/19/04	Cedar Rapids, City of	1	<b>Order/Penalty</b>	WW	Hansen *	Negotiating before filing.
10/20/04	Jerry Bravard	5	<b>Order/Penalty</b>	WW	Tack	Negotiating before filing.
10/21/04	Eugene Kramer	1	<b>Permit Denial</b>	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
10/26/04	S & V Fence & Deck Co.	6	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	<b>Order/Penalty</b>	AFO	Tack	Negotiating before filing.
11/02/04	Mike Elsbernd	1	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
11/03/04	Patrick M. Pinney Contractors	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
<b>11/03/04</b>	<b>Patrick M. Pinney Contractors</b>	<b>3</b>	Order/Penalty	SW	<b>Tack</b>	<b>Default judgment entered 1/112/05. Case closed.</b>
11/03/04	Greg Vanden Bosch; G & T Eggs	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
11/03/04	Leland Heisdorffer	6	<b>Order/Penalty</b>	AQ/SW /WW	Tack	<b>Request for hearing sent 1/28/05.</b>
11/05/04	Darrel Behrens; Kelly Behrens	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
11/09/04	Donald Hopp	4	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
11/10/04	Ted T. Smith	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
11/15/04	Acme Fuel & Materials	6	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
11/19/04	Oak Hill Marina, Inc.	3	<b>Order/Penalty</b>	AQ/SW	Book	Negotiating before filing.
11/19/04	Steve Bouchard	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
11/22/04	Holstein Dairy	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
11/23/04	Henry Well Co.	4	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
11/30/04	James Brown	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
12/06/04	Keith Kruse	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
12/06/04	O-C Trailers, Inc.	3	<b>Order/Penalty</b>	AQ/SW	Preziosi	Negotiating before filing.
12/07/04	Crestview MHP	5	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
12/10/04	IPSCO, Inc.	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before

						filing.
1/03/05	Paul Rehder	3	<b>Order/Penalty</b>	AFO	Clark	New case.
1/04/05	Matt Gehling	4	<b>Order/Penalty</b>	AFO	Clark	New case.
1/04/05	Oakdale Pullets	3	<b>Order/Penalty</b>	AFO	Tack	<b>New case. Proposed consent order sent 1/26/05.</b>
1/05/05	S.J. Louis Construction	5	<b>Order/Penalty</b>	WW	Hansen	New case.
1/06/05	E & N Farms	3	<b>Order/Penalty</b>	AFO	Clark	New case.
1/07/05	Wayne A. Staab	3	<b>Order/Penalty</b>	AQ	Preziosi	New case.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	<b>Order/Penalty</b>	AQ	Preziosi	New case.
1/18/05	MKKS, LC (5 sites)	5	<b>Order/Penalty</b>	UT	Wornson	New case.
1/19/05	Consolidated Energy	4	<b>Order/Penalty</b>	UT	Wornson	New case.
1/20/05	Pleasant Hill, City of	5	<b>Order/Penalty</b>	WW	Hansen	New case.
1/20/05	Monty Branstad	2	<b>Order/Penalty</b>	AQ/SW	Preziosi	New case.
1/24/05	Lawler, City of	4	<b>Order/Penalty</b>	WW	Hansen	New case.
1/24/05	Jerome Loutsch	3	<b>Order/Penalty</b>	AQ	Preziosi	New case.
1/25/05	Jim Hawk Truck Trailers	6	<b>Order/Penalty</b>	UT	Wornson	New case.

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period January 1, 2005 through January 31, 2005, 6 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

<b>Month</b>	<b>Total</b>	<b>Avg. Length (days)</b>	<b>Avg. Volume (MGD)</b>	<b>Sampling Required</b>	<b>Fish Kill</b>
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '04	10(4)	0.269	0.032	2	0(0)
March '04	7(7)	0.524	0.022	3	0(0)
April '04	8(8)	0.608	0.072	1	0(0)
May '04	9(9)	0.499	0.042	4	0(0)
June '04	7(6)	0.038	0.001	2	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	2	0	1	3

<b>INFORMATIONAL ONLY</b>
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**GENERAL DISCUSSION**

Wayne Gieselman said that we will investigate further into the septic sludge application and rules. We will plan to update and discuss our findings next month.

Last week we attended a informative meeting in Fairfield to discuss and clarify the Robertson CAFO case with the locals. Most people were not happy. Our position is written on paper, on terms of common ownership, common management, and separation distances. We have issued final agency action on these. I will continue to communicate with the locals regarding these issues. Common ownership and common management are two separate things. There is no common ownership or common management involved in this case. The facility is not built in a flood plain. It is a couple feet above the flood plain elevation. It also meets the distance requirements from the nearest water source. We have sent a letter to Ms. Jeanette Lacey's attorney defining common ownership and common management rules and how they do or do not apply.

We have two rural water districts in Rock Valley as well as a number of farmer irrigators that withdraw water from aquifers. One rural water system drilled (with a permit) a series of wells in the midst of the other rural water districts wells. In Iowa, water is beneficially owned by all of the citizens of the state. If it's put to beneficial use, anyone can get a permit for the use of the water. Drinking water would be the highest priority in terms of water availability. The ruling that we issued has been appealed, the appeal is on the basis of inadequate public notice in the community of Rock Valley. The department did what they needed to do under the water rights law.

The AFO/CAFO rules maybe an item at the next month's meeting.

**NEXT MEETING DATES**

March 21, 2005

April 18, 2005



**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 3:45 p.m., Monday, February 21, 2005.

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Jeffrey R. Vonk, Director

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Darrell Hanson, Chair

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Heidi Vittetoe, Secretary

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